

**CITY OF SANTA BARBARA
CITY COUNCIL**

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Ariel Pierre Calonne
City Attorney

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**TUESDAY, JANUARY 26, 2021, 10:00 AM
SPECIAL COUNCIL MEETING AGENDA
COUNCIL CHAMBERS, CITY HALL, 735 ANACAPA STREET**

IN ORDER TO PROMOTE SOCIAL DISTANCING AND PRIORITIZE THE PUBLIC'S HEALTH AND WELL-BEING, THE GOVERNOR OF THE STATE OF CALIFORNIA ISSUED EXECUTIVE ORDER N-29-20, WHICH ALLOWS THE CITY COUNCIL TO HOLD MEETINGS VIA TELECONFERENCES OR OTHER ELECTRONIC MEETING FORMAT WHILE STILL MEETING THE STATE'S OPEN AND PUBLIC MEETING REQUIREMENTS. AS A PUBLIC HEALTH AND SAFETY PRECAUTION, THE COUNCIL CHAMBERS WILL NOT BE OPEN TO THE GENERAL PUBLIC. COUNCILMEMBERS MAY PARTICIPATE ELECTRONICALLY. THE CITY OF SANTA BARBARA STRONGLY ENCOURAGES AND WELCOMES PUBLIC PARTICIPATION DURING THIS TIME. PUBLIC PARTICIPATION IS AVAILABLE THROUGH THE FOLLOWING OPTIONS:

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.santabarbaraca.gov/citytv for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ONLINE STREAMING: Council meetings are streamed live at www.SantaBarbaraCA.gov/CAP

ELECTRONIC PARTICIPATION: Register to Join Meeting Electronically at:
<https://attendee.gotowebinar.com/register/6224033370701212430>

WEBINAR ID: 684-234-211

To register, please use the Chrome, Firefox, or Safari browsers for the meeting. The Internet Explorer browser is not supported by the software.

After registering, you will receive a confirmation email containing information about joining the webinar. You will be connected to audio using your computer's microphone and speakers (VoIP). A headset is recommended. You can also select the option to use your telephone, but you must use the Go To Webinar software to interact with the meeting. Select "Use Telephone" after joining the webinar in order to use your telephone.

Oral comments during a meeting may be made by electronic participation only.

If you have technical questions about the webinar, please go to: <https://support.goto.com/webinar>, or call the **Technical Support Phone Number (805) 617-7080**. To see what **Accessibility Features** are available in GoToWebinar, please visit <https://support.goto.com/webinar/help/what-accessibility-features-are-available-in-gotowebinar>.

WRITTEN PUBLIC COMMENT: Public comments may also be submitted via email to Clerk@SantaBarbaraCA.gov prior to the beginning of the Council Meeting. All public comments submitted via email will be provided to City Council and will become part of the public record.

CONTINUED ON THE NEXT PAGE

PUBLIC COMMENT: Public comment on matters not listed on the agenda will occur at the beginning of the meeting. Members of the public wishing to speak must “raise their hand” in the GoToWebinar platform by selecting the virtual hand icon during the presentation of that item. When persons are called on to speak, their microphone will be activated by City staff and the speaker will be notified that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the ‘mute/unmute’ icon or pressing Ctrl+Alt+A on their keyboard.

For those who need accessibility accommodation in using the “raise hand” function and/or registering to participate in the GoToWebinar session, please contact the Clerk’s office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email Clerk@SantaBarbaraCA.gov by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. When persons are called on to speak, their microphone will be activated the speaker will be notified by City staff that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the ‘mute/unmute’ icon or pressing Ctrl+Alt+A on their keyboard.

Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not allowed during general public comment. The time allotted for general public comment at the beginning of the 2:00 p.m. session is 30 minutes. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond the City’s subject matter jurisdiction.

PUBLIC COMMENT ON AGENDIZED ITEMS: Members of the public wishing to speak on a matter on the agenda must “raise their hand” in the GoToWebinar platform by selecting the virtual hand icon during the presentation of that item. The “raise hand” icon is generally located on most devices in the upper right hand corner of the screen. For those who need accessibility accommodation in using the “raise hand” function, please contact the Clerk’s office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email Clerk@SantaBarbaraCA.gov by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. When persons are called on to speak, their microphone will be activated and they will be notified to begin speaking. Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not permitted during meetings conducted electronically.

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review at <http://www.SantaBarbaraCA.gov/CAP>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a “CAR”) online at the City’s website (<http://www.SantaBarbaraCA.gov/CAP>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are posted to the City’s website as soon as reasonably feasible.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your “Request to Speak” form, you should come forward to speak at the time the Council considers the Consent Calendar.

SPANISH INTERPRETATION: If you need interpretation of your communications to Council from Spanish into English, please contact the City Clerk’s Office at 564-5309 or by email at Clerk@SantaBarbaraCA.gov. If possible, notification of at least 48 hours will usually enable the City to make arrangements.

INTERPRETACIÓN EN ESPAÑOL: Si necesita una interpretación del español al inglés, para sus comunicaciones al Consejo, comuníquese con la Oficina del Secretario Municipal al 564-5309, o por correo electrónico a Clerk@SantaBarbaraCA.gov. Si es posible, la notificación de al menos 48 horas generalmente permitirá a la Ciudad hacer los arreglos.

AMERICANS WITH DISABILITIES ACT: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator’s Office at 564-5305 or by email at Clerk@SantaBarbaraCA.gov. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

JANUARY 26, 2021 AGENDA

ORDER OF BUSINESS

- 10:00 a.m. Special City Council Meeting
- 2:00 p.m. Public Hearing: Appeal Of The Planning Commission's Approval Of A Coastal Development Permit For Bicycle Share Stations In The Coastal Zone (Not Earlier Than 2:00 p.m.)
- 6:00 p.m. Community Formation Commission Applicant Interviews (Time Certain)

SPECIAL CITY COUNCIL MEETING – 10:00 A.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

- 1. Subject: Introduction Of Ordinance For Sale Of Excess Recycled Water To La Cumbre Mutual Water Company (120.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving an Agreement for the Long Term Wholesale Supply of Recycled Water to the La Cumbre Mutual Water Company.

- 2. Subject: Resolution Of Findings Denying Tree Removal At 2934 Lomita Road (570.05)**

Recommendation: That Council review and adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Upholding an Appeal of the Parks and Recreation Commission's Approval of Removal of the Deodar Cedar Located in the Front Yard Setback at 2934 Lomita Road.

3. Subject: Appointment Of Plan Administrator For Deferred Compensation Administration (210.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Appointing the Finance Director as the Plan Administrator and Authorizing the Plan Administrator to Appoint up to Two Deputies to Serve as the Deferred Compensation Plan Investment Committee Responsible for the Prudent Management of the City of Santa Barbara's Internal Revenue Code Section 457 (b) Deferred Compensation Plan Administration and Investment Portfolio; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Indemnifying the City Council, the City Administrator, the Plan Administrator, the Plan Administrator's Appointed Deputies and Their Delegates, Against Liability, Loss, Damage or Expense Resulting From Any Act or Omission in their Official Capacities in the Administration of the Internal Revenue Code Section 457(b) Deferred Compensation Plan, and Excluding Willful Misconduct, Gross Negligence and Fraud.

4. Subject: Downtown Organization Annual Assessment Report For 2021 And Intention To Levy (550.1)

Recommendation: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2021; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2021, at a Public Hearing to be Held on March 2, 2021, at 2:00 p.m.

5. Subject: Contract For Design Of The Carrillo Gymnasium Minor Renewal Project (570.05)

Recommendation: That Council authorize the Acting Public Works Director to execute a City Professional Services Agreement with Architectural Resources Group, a California Corporation, in the amount of \$82,780 for design services for the Carrillo Gymnasium Minor Renewal Project, and authorize the Acting Public Works Director to approve expenditures of up to \$6,986 for extra services of Architectural Resources Group, that may result from necessary changes in the scope of work.

6. Subject: Contract For Construction Of Louise Lowry Davis Center Phase I Project (570.05)

Recommendation: That Council reject the bid protest of Tomar Construction, Inc., and award a contract with BNC Construction, Inc. in their low bid amount of \$664,500, including three Additive Bid Items, for construction of the Louise Lowry Davis Center Phase I Project, Bid No. 4016; and authorize the Public Works Director to execute the contract and approve expenditures up to \$66,450 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

7. Subject: Professional Services Agreement For Parking Citation Services (550.01)

Recommendation: That Council approve a Professional Services Agreement with Data Ticket, Inc., for a term of three (3) years, with two (2) one-year optional extensions, for an electronic parking citation services and authorize expenditures up to \$150,000 dollars annually.

8. Subject: Cabrillo Boulevard And Union Pacific Railroad Bridge Project – Memorandum Of Understanding Amendment (670.08)

Recommendation: That Council authorize the City Administrator to execute an Amendment to the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara County Association of Governments to extend the end date of the Memorandum of Understanding for the Cabrillo Boulevard and Union Pacific Railroad Bridge Project.

9. Subject: Set A New Date For Public Hearing Regarding Paseo Nuevo Owners' Appeal Of The Planning Commission Denial Of The Development Agreement (650.03)

Recommendation: That Council authorize the City Clerk to postpone Paseo Nuevo Owners' appeal of the Planning Commission denial of the Development Agreement scheduled for February 2, 2021 to March 30, 2021.

10. Subject: 2020 New Legislation Report (160.02)

Recommendation: That Council receive a written presentation from staff on important new legislation.

11. Subject: Water Supply Update And Annual Water Supply Management Report (540.01)

Recommendation: That Council:

- A. Receive an update on the Stage 1 Water Supply Condition and 3-year Water Supply Outlook; and
- B. Approve and adopt the City of Santa Barbara's Annual Water Supply Management Report for Water Year 2020, finding that the groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

POLICE DEPARTMENT

12. Subject: Police Department Update (520.04)

Recommendation: That Council receive an oral presentation from Police Chief Lori Luhnnow and Police Staff regarding the Santa Barbara Police Department.

CITY ATTORNEY

PUBLIC HEARING

13. Subject: Extension Of Ordinance No. 5984 Prohibiting The Conversion Of Senior Mobilehome Parks And Excessive Vacancy Rent Increases (640.04)

Recommendation: That Council adopt, by reading in full, and by a four-fifths vote, an Interim Urgency Ordinance of the Council of the City of Santa Barbara Extending Ordinance No. 5984 Prohibiting the Conversion of Senior Mobilehome Parks and Excessive Vacancy Rent Increases for 10 Months and 15 Days.

PUBLIC WORKS DEPARTMENT

14. Subject: Update On Terms Of Community Workforce Agreement Negotiation With Tri Counties Building And Construction Trades Council (440.03)

Recommendation: That Council:

- A. Receive an update on terms of the City's Community Workforce Agreement currently under negotiation with the Tri Counties Building and Construction Trades Council; and
- B. Provide direction to staff on the outstanding terms related to local participation goals, number of core workers, benefit plans, and the exclusion of inspection and material testing.

QUASI-JUDICIAL HEARING RULES APPLY TO THE FOLLOWING AGENDA ITEM

PUBLIC HEARING

15. Subject: Appeal Of The Planning Commission's Approval Of A Coastal Development Permit For Bicycle Share Stations In The Coastal Zone (640.07)

Recommendation: That Council:

- A. Consider the appeal of Anna Marie Gott of the Planning Commission's approval of a Coastal Development Permit for Bicycle Share Stations in the Coastal Zone; and
- B. Deny the appeal and make the necessary findings, including findings required by Sections 15301 and 15300.2 of the CEQA Guidelines, to uphold the Planning Commission's decision to approve a programmatic Coastal Development Permit for bike share docks and three registration kiosks in the Coastal Zone. [Not Earlier Than 2:00 p.m.]

CITY ADMINISTRATOR

16. Subject: Community Formation Commission Applicant Interviews (140.05)

Recommendation: That Council interview applicants to the City Community Formation Commission. [Time Certain 6:00 p.m.]

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Introduction Of Ordinance For Sale Of Excess Recycled Water To La Cumbre Mutual Water Company

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving an Agreement for the Long Term Wholesale Supply of Recycled Water to the La Cumbre Mutual Water Company.

EXECUTIVE SUMMARY

Over the last several years, City staff has negotiated, at the direction of Council, an agreement with the La Cumbre Mutual Water Company for the long-term sale of surplus recycled water produced at the City's Recycled Water Plant. The Recycled Water Agreement (RWA) promotes regional cooperation to preserve potable water supplies, continues to allow the City to manage both its potable and non-potable water sources to ensure reliable service for its customers during drought and normal periods, and provides fair compensation to the City's rate payers for the value of recycled water.

DISCUSSION:

La Cumbre Mutual Water Company (Water Company) has a 2,000 acre service area in the unincorporated area of Santa Barbara County. The service area includes Hope Ranch, the area between Hollister Avenue and Hope Ranch, and La Cumbre Country Club (LCCC). On December 17, 2015, the City received a letter from LCCC inquiring about opportunities to connect to the City's recycled water system. On January 7, 2016, the City received a letter from the Water Company supporting LCCC's letter, and requesting to enter into an agreement with the City to purchase recycled water for use at the LCCC for landscape irrigation.

On February 2, 2016, Council directed staff to enter into negotiations with the Water Company for the sale of recycled water produced at the El Estero Water Resource Center. At the time, the City was contending with the worst drought on record, and was in the process of bringing the new recycled water plant online; therefore, initial negotiations were put on hold.

The City's original recycled water facility was constructed in 1989 at the El Estero Water Resource Center. It was one of the first recycled water facilities in California and has operated for over 20 years, allowing the City to preserve its potable water supplies, especially during times of drought. In 2012, the City undertook the design and construction of a new Recycled Water Treatment Plant (RW Plant). The work consisted of replacing media filters with new ultrafiltration membranes, rehabilitating the recycled water reservoir, and reconfiguring existing pipes and chemical storage facilities. Since completing the replacement of the RW Plant, the treatment process has been optimized, and the facility is reliably producing recycled water quantities in excess of the City's maximum demands, which are highest during the summer.

With the improving drought condition, and the RW Plant operating at its design capacity, staff resumed negotiations with the Water Company at the beginning of 2020. Since that time, staff has conducted videoconferencing sessions with the Water Company to confer on the guiding principles and terms of the Recycled Water Agreement (RWA). On November 23, 2020, the Water Company Board voted to approve the RWA, including these key principles and provisions:

- **Guiding Principles:** The City will sell and the Water Company will purchase recycled water. To the extent potable water is used to ensure the continued operation of the recycled water distribution system, the agreement provides discretion to the City, without reservation, to manage its potable water supplies for the benefit of its customers. This includes the right to temporarily suspend the agreement to ensure there is sufficient potable water for its customers.
- **Surplus Supply:** The City has determined that the RW Plant has, and will have, for the initial term of the agreement, the capacity to produce recycled water surplus to the demands of the City customers. The RWA between the City and the Water Company provides economic and water supply benefits that will promote water conservation and reduce regional demand on potable water supplies.
- **Term:** The initial term of the agreement is 25 years. However, the City may terminate the agreement after December 31, 2034, if it determines that the recycled water is required for direct or indirect potable reuse supply. After the initial term, the agreement may be extended for one-year periods, contingent on the agreement of both parties.
- **Quantity:** The City will deliver a minimum of 40 acre feet of recycled water per year (AFY) and a maximum of 100 AFY.
- **Infrastructure:** At a point on the existing recycled water distribution infrastructure, the Water Company will pay for the installation of metering facilities necessary to measure and control the flow of recycled water to the Water Company. The Water Company will also pay for and construct distribution facilities from the metering point to its property to complete the conveyance of recycled water.

- **Regulatory Compliance:** The City will deliver tertiary treated recycled water that is in compliance with the Recycled Water Policy, California Code of Regulations (CCR) Title 22, and all applicable state and federal water quality laws. The Water Company is solely responsible for the use and application of recycled water within its service area and the compliance and enforcement of all applicable laws and regulations.
- **Delivery Limitations:**
 - The Water Company may take up to a maximum of 0.25 Million Gallons per Day (MGD) of recycled water per day, subject to the City's approval. The City may, at its discretion, limit or change the delivery regime to ensure that there is sufficient recycled water available to meet the demands of City recycled water customers.
 - The City is excused from delivery of recycled water due to uncontrollable circumstances, malfunction of the City's recycled water treatment or distribution systems, required system maintenance, acts of a third party, or orders issued by a governmental regulatory authority.
 - If the City is not expected to deliver recycled water for more than 30 days, the agreement will be paused at the written request of the Water Company. The initial term will be extended by the amount of time the agreement is paused. Applicable payments will be adjusted accordingly.
 - If the City determines that its potable water supplies are insufficient to supplement the City's recycled water system and deliver recycled water to the Water Company, and finds it necessary to preserve its potable water supplies for City customers, the City may pause the agreement and will be relieved of its obligation to deliver recycled water to the Water Company.
- **Price:** The Water Company will pay a monthly fixed fee, escalated annually at a rate of 3 percent, for the historical cost and ongoing maintenance of City facilities that produce and convey recycled water. A volumetric charge will be assessed based on the City's adopted Recycled Water Rate, which may change from time to time, and metered deliveries. Regardless of whether or not the Water Company accepts deliveries in any contract year, it will pay a volumetric charge for a minimum of 40 Acre Feet (AF). The Water Company will also pay an administrative fee equal to 15% percent of the Volumetric Charge, which covers a portion of the City's administrative costs for management of the recycled water program.

The RW Plant currently has a peak production capacity of 2.5 MGD. Recycled water demand rises during the summer months, ranging from 1.5 MGD up to 2.0 MGD. Therefore, the City currently has approximately 0.5 MGD of available capacity in the recycled water system when demands are at their peak, and substantially more capacity on non-peak days and during the winter months. The maximum demand of 0.25 MGD from the Water Company would reduce the City's currently unused capacity to 0.25 MGD.

BUDGET/FINANCIAL INFORMATION:

At the current adopted recycled water rate, the Water Company would pay to the City, at a minimum, approximately \$156,000 per year. If the Water Company elects to take its maximum allowable deliveries of 100 AF, the annual revenue to the City would increase to approximately \$288,000. To put this in perspective, a one percent rate increase currently equates to approximately \$500,000 in additional revenue. The execution of the RWA will assist in funding operational expenses and capital projects, which may alleviate some pressure to increase rates in the future. Additionally, the ability to use the RW Plant's full production capacity will lead to a recycled water unit cost for City customers that would otherwise be higher without this agreement in place. This reduction in unit cost further incentivizes the use of recycled water as an alternative to the City's limited potable water supplies.

SUSTAINABILITY IMPACT:

Recycled water is a key water resource for the City, because it offsets the use of potable water, thereby increasing the City's water supply reliability during droughts and emergencies. State legislation promotes the use of recycled water and allows contracts that provide for the transfer of recycled water across utility boundaries. The sale of recycled water to the Water Company will reduce overall potable water demand for the South Coast.

ENVIRONMENTAL REVIEW:

The recommended actions in this report relate to the operation of existing facilities within existing capacity and are not subject to the California Environmental Quality Act (CEQA).

WATER COMMISSION RECOMMENDATION:

This item was presented to the Water Commission at its meeting on December 17, 2020, and the Commission voted 4-0 in support of staff's recommendations.

A copy of the report may be requested from the Public Works Department for public review. Please contact us at PWInfo@SantaBarbaraCA.gov to request a copy.

PREPARED BY: Joshua Haggmark, Water Resources Manager/MBH/rb

SUBMITTED BY: Joshua Haggmark, Acting Public Works Director

APPROVED BY: City Administrator's Office

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA APPROVING AN AGREEMENT FOR
THE LONG TERM WHOLESALE SUPPLY OF RECYCLED
WATER TO THE LA CUMBRE MUTUAL WATER COMPANY

The Council of the City of Santa Barbara does ordain as follows:

SECTION 1. The Recycled Water Agreement between the City of Santa Barbara and the La Cumbre Mutual Water Company as presented to the City Council at its meeting of January 26, 2021, a copy of which is on file with the City Clerk, is approved. The Public Works Director is authorized and directed to execute the agreement on behalf of the City.

SECTION 2. The City Administrator, City Attorney, and Public Works Director are authorized to take all actions necessary or convenient to the implementation of the Recycled Water Agreement according to its terms. The City Administrator, City Attorney, and Public Works Director may further delegate responsibility authorized by this Section



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Resolution Of Findings Denying Tree Removal At 2934 Lomita Road

RECOMMENDATION:

That Council review and adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Upholding an Appeal of the Parks and Recreation Commission's Approval of Removal of the Deodar Cedar Located in the Front Yard Setback at 2934 Lomita Road.

DISCUSSION:

The Resolution represents the Council's findings related to the above-referenced Appeal. Council should review the findings and, if appropriate, adopt the Resolution.

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA UPHOLDING AN APPEAL OF THE
PARKS AND RECREATION COMMISSION'S APPROVAL
OF REMOVAL OF THE DEODAR CEDAR LOCATED IN
THE FRONT YARD SETBACK AT 2934 LOMITA ROAD

WHEREAS, the property located at 2934 Lomita Road is owned by Marilyn Goldman (applicant); and

WHEREAS, on August 3, 2020, the Parks and Recreation Department received a tree removal application from Marilyn Goldman ("applicant") for the removal of a *Cedrus Deodara*, Deodar Cedar ("tree") within the minimum front setback for the property located at 2934 Lomita Road; and

WHEREAS, the applicant's stated reasons for removal were that the tree created accessibility issues for exiting vehicles and while traveling over the uneven ground created by the tree's root system and maintenance challenges associated with the tree; and

WHEREAS, on September 3, 2020, at its regular meeting where the applicant was present and provided comments, the Street Tree Advisory Committee (STAC) reviewed the application materials submitted by the applicant after conducting independent site visits; and

WHEREAS, the STAC determined that, while it was sympathetic to challenges posed by the tree to the applicant, the subject tree is in good health and is being well maintained and that it appeared that the accessibility issues asserted by the applicant could be resolved with construction around the tree to allow for a safe walking path, which would not require removal of the tree; and

WHEREAS, during its review of the tree removal application and in consideration of the factors listed in SBMC § 15.24.080, the STAC determined that none of the following findings pursuant to SBMC § 15.24.090 fit the circumstances of the application:

- A. that principles of good forest management will be best served by the proposed removal;
- B. that a reasonable and practical development of the property on which the tree is located requires removal of the tree or trees whose removal is sought;
- C. that the character of the immediate neighborhood with respect to forestation will not be materially affected by the proposed removal;

D. that topography of the building site renders removal desirable; and

E. that regard for the safety of persons or property dictates the removal; and

WHEREAS, the STAC voted unanimously to recommend that the Parks and Recreation Commission deny the removal of the tree; and

WHEREAS, during its regular meeting on September 23, 2020, the Parks and Recreation Commission reviewed the application for removal of the tree, received comments from the applicant, considered the STAC's recommendations, and discussed the challenges that the tree posed to the applicant, as well as the general health of the tree and the value of the tree to the property and the neighborhood; and

WHEREAS, during the September 23, 2020 meeting of the Commission, a motion was made and seconded to uphold the STAC's recommendation to deny application for tree removal, which motion failed to pass on a 3 – 3 roll-call vote; and

WHEREAS, under SBMC § 15.24.070 failure to vote to approve, conditionally approve, or deny the application, is deemed an approval of the application without condition;

WHEREAS, after the tie roll-call vote, the Commission discussed having the applicant explore options addressing the applicant's concerns, but ultimately remained deadlocked resulting in a failure to act on the application; and

WHEREAS, an appeal was properly filed regarding the Parks and Recreation Commission's failure to take action to approve, conditionally approve, or deny the application, which under SBMC 15.24.070 is deemed an approval of the application without condition; and

WHEREAS, the City Council heard the appeal at its meeting of December 8, 2020, and after consideration of all evidence and testimony, the City Council has determined to uphold the appeal, resulting in a denial of the application for tree removal, based upon the facts and evidence presented in the record of proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

1. The foregoing recitals are true and correct and are incorporated into these findings.

2. All written, graphic and oral materials and information submitted to the Parks and Recreation Commission and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings.

3. The facts in the December 8, 2020 Council Agenda Report are incorporated into this Resolution and determined to be true.

4. The subject tree appeared to be in good health and is being well maintained, and it appears that the accessibility issues asserted by the applicant can be addressed with construction around the tree to allow for a safe walking path, which would not require removal of the tree. In addition, the accessibility claim is premised upon parking within the front setback area, a location where parking is prohibited by the Municipal Code. The applicant failed to meet her burden of producing substantial evidence to support the findings required by SBMC Section 15.24.090 E.

5. The City Council does not interpret SBMC 15.24.090 E. to compel removal of trees based upon the immediate needs of the current occupant of the property. “[R]egard for the safety of persons or property” is intended to focus upon safety concerns inherently arising from the tree, rather than unique concerns associated with an individual.

6. After review of the record of proceedings, the City Council finds no substantial evidence to support any of the following required findings:

- a. That principles of good forest management will best be served by the proposed removal;
- b. that a reasonable and practical development of the property on which the tree is located requires removal of the tree or trees whose removal is sought;
- c. that the character of the immediate neighborhood with respect to forestation will not be materially affected by the proposed removal;
- d. that topography of the building site renders removal desirable; and
- e. that regard for the safety of persons or property dictates the removal.

7. Based on the foregoing findings, the Council hereby upholds the appeal and denies the application for tree removal, without prejudice.

8. Notwithstanding that the Council cannot make findings in favor of the applicant, the Council acknowledges that a public record request made by the applicant after the appeal was filed revealed conduct by the Appellant and members of the Committee which

conduct the City Council does not condone. The City Council intends to address this conduct by the Committee in the proper venue.

9. The City Council's action does not address the rights, if any, of the applicant under state and federal law, including without limitation the Americans with Disabilities Act. The applicant may discuss reasonable parking modifications with the City's ADA Coordinator. The City has not evaluated the applicant's assertions of disability.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Benefits Division, Human Resources Department

SUBJECT: Appointment Of Plan Administrator For Deferred Compensation Administration

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Appointing the Finance Director as the Plan Administrator and Authorizing the Plan Administrator to Appoint up to Two Deputies to Serve as the Deferred Compensation Plan Investment Committee Responsible for the Prudent Management of the City of Santa Barbara's Internal Revenue Code Section 457 (b) Deferred Compensation Plan Administration and Investment Portfolio; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Indemnifying the City Council, the City Administrator, the Plan Administrator, the Plan Administrator's Appointed Deputies and Their Delegates, Against Liability, Loss, Damage or Expense Resulting From Any Act or Omission in their Official Capacities in the Administration of the Internal Revenue Code Section 457(b) Deferred Compensation Plan, and Excluding Willful Misconduct, Gross Negligence and Fraud.

DISCUSSION:

Background

The City offers a deferred compensation plan pursuant to Internal Revenue Code Section 457(b) to its eligible employees. A participating employee can make tax deferred contributions, invest those funds from a menu of investment options, and withdraw those funds upon retirement. The deferred compensation plan provides another option for City employees to supplement their City-provided defined benefit plan, administered by CalPERS, to save for their retirement. In addition, the City offers an OBRA-PST Deferred Compensation Plan for part-time/seasonal 'hourly' employees.

The City currently offers an eligible employee the option to use two separate entities that provide record keeping services. International City Management Association – Retirement Corporation (ICMA-RC) and Empower have provided recordkeeping services since 1977 and 1976 respectively. While Empower continued to provide record keeping services over the years, its name changed through a series of mergers and consolidation in plan providers; with National Plan Coordinators of Delaware, Inc. (NPC) becoming a part of Great West that subsequently merged into the incorporation of Empower in 2014. ICMA-RC and Empower hold combined assets of approximately \$110 million on behalf of approximately 1,000 plan participants (current/former employees).

As referenced in the accompanying resolution, Council, as the Plan Sponsor, previously designated the City Administrator as the coordinator and plan administrator of the City's Deferred Compensation Plan ("Plan"). The Plan Administrator handles the daily operations for the Plan, which includes, but is not limited to: executing all necessary agreements; determining to add, maintain, or eliminate a record keeper; performing administrative duties as necessary; and obtaining professional and/or legal advice as necessary to ensure compliance with federal and state laws affecting deferred compensation plans.

There are certain fiduciary responsibilities required by the City as part of administering a deferred compensation plan. As the Plan Sponsor, the City has legal and fiduciary obligations to its employees who participate in the Plan. The laws relating to a deferred compensation plan have expanded since Council established the Plan in 1976. Staff recognizes the need to update the administration of the Plan to meet the accepted best practices as a Plan Sponsor. The basis of these best practices include working with financial subject matter experts to more effectively oversee and proactively manage the employee deferred compensation plan. Another best practice for a Plan Sponsor is to delegate the daily responsibility for the Plan administration to a financial manager who has the knowledge and expertise to oversee the performance of the investment funds and monitor the fees of the record keeper. The appointed financial manager can enlist the assistance of other management staff to assist in the daily operations of the Plan thereby creating a Deferred Compensation Investment Plan Committee.

The City has regularly reviewed ICMA-RC and Empower fund performance data with the City's Employee Benefits Committee. The Benefits Committee, however, does not have the authority to recommend changes to the investment line-up or to administer the Plan. Furthermore, the City cannot delegate its fiduciary responsibility to the Benefits Committee.

City management began the process to evaluate the Plan and the services provided by the current record keepers in 2019. The City hired SageView Advisory Group, via a competitive proposal process, to assist City management staff in this assessment process. The evaluation process covered several topics including the preparation of a request for proposals (RFP) to assess the quality of the services provided and a competitive fee structure. As discussed in further detail below, this review concluded that a change in record keeping services is warranted and a new record keeper will be recommended to the new Plan Administrator.

Staff recommends that the City Council, as Plan Sponsor, adopt the attached Resolution to appoint the Finance Director to serve as the Plan Administrator. The proposed change of the appointed administrator ensures prudent fiscal management and overview of the Plan by an executive manager with expertise and knowledge in the field of Finance. The proposed change aligns with the best practices within the industry. As the Plan Administrator, the Finance Director will have the authority to appoint up to two deputies to form a new Deferred Compensation Investment Committee ("Committee").

Role of Deferred Compensation Investment Committee

The Committee will be the investment fiduciary group responsible for the prudent management of the City of Santa Barbara's Plan administration and selection of available investment options. The Committee must exercise due diligence and discretion in the discharge of their duties. The Committee will comply with all applicable laws, rules and regulations. The Committee shall have the authority to execute, interpret, and implement an Investment Policy Statement for the Plan. The Committee shall be responsible for the selection and retention of professional advisors to the Plan, which may include, but not limited to, investment managers, investment consultants, custodians, attorneys, accountants, actuaries, auditors, and clerical staff.

The Committee intends to engage with all bargaining units, via the Benefits Committee. The key components of this engagement with the bargaining units are to maintain transparency, provide a platform for the participants to communicate with the Committee, and receive information regarding the investment options available to plan participants.

Staff does not recommend including other individual employees as Committee members for various reasons. One of the many limitations against expanding the Committee membership involves the fiduciary responsibility and the inherent liability that comes with it. The inability to purchase insurance to adequately protect an individual advisory group member as a fiduciary participant, leads staff to recommend limiting the Committee membership to this small team of executive management.

Statement of Investment Policy

An established investment policy is another prudent component of best practices in this area. The Committee will establish the investment policy to assist in its selection, oversight and evaluation of investment alternatives made available to participants under the Plan. The investment policy outlines and prescribes a prudent and acceptable investment philosophy and sets out the investment management procedures.

The Plan intends to provide a broad range of investment alternatives. This includes having, at a minimum, three diversified investment alternatives that are sufficient in permitting the participants to materially affect the potential return and degree of risk on their individual account, and to minimize the risk of large losses. Diversification, however, does not ensure a profit or protect against loss in a declining market.

All investment choices will be publicly available mutual funds, institutional trusts, or similar investment vehicles. All investments being offered will fluctuate in value with market conditions and, when redeemed, may be worth more or less than the amount originally invested. The chosen investment alternatives are selected on the basis of its compatibility with Plan participants' needs and regulatory recommendations. Each of the chosen investment alternatives is designed to follow a specific stated investment objective.

Indemnification of Committee Members

Committee members will exercise discretion and independent judgement in the performance of their duties. Committee members are required to act prudently and in the best interest of the participants and beneficiaries of the Plan. However, staff is requesting that the City indemnify the Committee members and their designees, as well as members of the City Council and the City Administrator, against losses incurred in the management of the Plan.

The City purchases a fiduciary liability insurance policy. The insurance policy covers the City Council members and specific City management staff who are performing tasks within their roles and responsibilities as a Committee member or Plan Sponsor. This insurance policy may or may not adequately cover any loss from the operation of the plan.

Record Keeper Services

The assessment of the record keeper services began with the City and SageView conducting several informational sessions with the City's Benefits Committee. These sessions were expanded to include participants. These sessions provided multiple opportunities to hear the thoughts from plan participants on the existing plans, ideas for improvements, features and services of value, new opportunities as well as other feedback. The results of these sessions informed the specific requirements included in the request for proposals including items such as commitment to on-site advice, possibility for self-directed brokerage, technology, security, and employee engagement, as well as fiduciary services offered by record keepers. The City and SageView used the feedback from these sessions as the basis to create the RFP.

The City created a selection committee comprised of the Interim Finance Director, Human Resources Director, Accounting Manager, Assistant City Attorney, Risk Manager and Benefits Analyst to evaluate the responses to the RFP. The City received five proposals from qualified record keepers. After a formal review and evaluation of the responses by the City selection committee, four respondents were selected to make a final presentation.

The presentations were scored based on specific criteria: the firms' depth of experience with the specific service team presenting, quality of the account manager, Relationship Manager, understanding of the cultural fit at the City, participation and engagement, with a specific emphasis on engagement for an employee with English as a second language, technology and innovation, perceived value of working with the firm, quality of the presentation and finally the best and final fee proposal.

The selection committee considered numerous factors before making its recommendation for record keeper. The factors included a review of the analysis conducted by SageView and in-depth evaluation and discussions on many of the provisions. The City's selection committee voted unanimously to recommend Voya Financial, Inc. as the best firm to provide record keeper services to the City. Additionally, the selection committee concluded that consolidating the plan under one provider would yield significant benefits in both plan administration, and lower fees for plan participants.

The selection committee found Voya's industry and customer service experience to be superior. The selection committee was particularly impressed by several of the components offered by Voya: the intuitive and simple bilingual online tools, multi-media data driven marketing, and commitment to in-person English and Spanish education. Voya has the ability to provide significant administrative services in-house at a savings of time and City resources.

Many of the existing investments held by plan participants will be available, at a lower cost to the participant, on the Voya platform. While some investment products currently available under ICMA-RC and Empower are not available under the Voya platform, suitable alternatives will be offered.

Voya's fees are significantly lower than the fees paid to the incumbent plan record keepers, representing a cost saving for all participating employees after the transition is completed. Although it is not possible to predict total cost savings due to many factors, in total, Voya's proposal projects a reduction in participant fees of approximately \$200,000 per year compared to current rates.

TRANSITION AND NEXT STEPS

The initial step in the process is to appoint the Plan Administrator with the authority to carry-out the daily functions of the Plan. The Plan Administrator will appoint up to two deputies as Plan Committee members. The Committee will conduct the daily operations of the Plan. The Committee will complete several tasks in the immediate future, including creating an investment plan and contracting with a Plan record keeper, among other tasks.

The Committee will likely contract with Voya for record keeping services. Upon completion of the contract, Voya will work with the Committee, City staff, plan participants and the incumbent record keepers to transfer all employee balances. All plan participants will be transferred from either ICMA-RC, Empower, or both during the transition process. Staff anticipates completing the transition to Voya in the Spring of 2021.

City staff, Voya and SageView will communicate all options and provide adequate notice of all changes as necessary to ensure a smooth transition. Voya has significant experience in transferring plan participants and their assets from both ICMA-RC and Empower.

BUDGET/FINANCIAL SECTION

Employee participation in deferred compensation plans is voluntary and all contributions are made from earned compensation typically deducted from payroll and distributed on the employee's behalf by the City to the Plan Administrator and into a Plan trust.

The Plan Administrator may select and retain other professional advisors to the Plan. The other advisors to the Plan may include investment managers, investment consultants, custodians, attorneys, accountants, actuaries, auditors, and clerical staff. The costs of these advisory services will be paid through the deferred compensation plan itself and will not be direct expenses of the City.

There are no other anticipated significant budgetary impacts to the City as a result of this action.

PREPARED BY: Wendy Levy, Human Resources Director

SUBMITTED BY: Wendy Levy, Human Resources Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPOINTING THE FINANCE DIRECTOR AS THE PLAN ADMINISTRATOR AND AUTHORIZING THE PLAN ADMINISTRATOR TO APPOINT UP TO TWO DEPUTIES TO SERVE AS THE DEFERRED COMPENSATION PLAN INVESTMENT COMMITTEE RESPONSIBLE FOR THE PRUDENT MANAGEMENT OF THE CITY OF SANTA BARBARA'S INTERNAL REVENUE CODE SECTION 457(b) DEFERRED COMPENSATION PLAN ADMINISTRATION AND INVESTMENT PORTFOLIO

WHEREAS, the City offers its employees a deferred compensation plan pursuant to Internal Revenue Code Section 457(b) into which employees can make tax deferred contributions to provide a vehicle to save for retirement; and

WHEREAS, Article 3 of the City's Deferred Compensation Plan ("Plan") provides that the City has the authority under the Plan to make decisions affecting the rights and benefits of the plan participants and the Administrator, as agent for the City, shall perform all nondiscretionary administrative functions in connection with the Plan; and

WHEREAS, the City Administrator currently serves as the coordinator and Plan Administrator ; and

WHEREAS, the duties of the Plan Administrator include, but are not limited to: executing all necessary agreements; determining to add, maintain, or eliminate a plan; performing administrative duties to carry out any plan; and obtaining professional and/or legal advice, as necessary, to ensure compliance with federal and state laws affecting deferred compensation plans; and

WHEREAS, the City has legal and fiduciary obligations to its employees who participate in the Plan; and

WHEREAS, best practices suggest the appointment of the Finance Director as Plan Administrator and the Plan Administrator's appointment of deputies to serve as the Deferred Compensation Plan Investment Committee ("Committee") that would be authorized and responsible for monitoring the performance and fees of the record keeper and the investment companies managing the various investment funds; and

WHEREAS, best practices suggest that the Committee review and adopt an investment policy to assist the Committee in effectively selecting, monitoring and evaluating investment alternatives made available to participants under the City of Santa Barbara's Deferred Compensation Retirement Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

1. The City hereby appoints the Finance Director to serve as the Plan Administrator and the Plan Administrator is hereby authorized to appoint up to two deputies to serve as a Deferred Compensation Plan Investment Committee and to establish an investment policy that will guide the Committee's selection, monitoring and evaluating investment alternatives and to take all actions deemed necessary to carry-out the prudent management of the Plan including, but not limited to, the hiring, at fees as determined appropriate, of advisors, legal representatives and record keepers.

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA INDEMNIFYING THE CITY COUNCIL, THE CITY ADMINISTRATOR, THE PLAN ADMINISTRATOR, THE PLAN ADMINISTRATOR'S APPOINTED DEPUTIES AND THEIR DELEGATES, AGAINST LIABILITY, LOSS, DAMAGE OR EXPENSE RESULTING FROM ANY ACT OR OMISSION IN THEIR OFFICIAL CAPACITIES IN THE ADMINISTRATION OF THE INTERNAL REVENUE CODE SECTION 457(b) DEFERRED COMPENSATION PLAN, AND EXCLUDING WILLFUL MISCONDUCT, GROSS NEGLIGENCE AND FRAUD

WHEREAS, the City of Santa Barbara presently provides its employees with the opportunity to participate in a deferred compensation plan in accordance with Section 457(b) of the Internal Revenue Code; and

WHEREAS, the Plan Administrator and Deputies serve as the coordinators of the City's Deferred Compensation Plan; act as plan administrator; receive necessary reports, notices, etc. in relation to such plan or trusts created to maintain plan funds; execute all necessary agreements; determine whether to add, maintain, or eliminate a plan; perform administrative duties to carry out any plan; serve as the City's trustee and/or representative for any trust created or maintained in conjunction with or in relation to a plan; cast, on behalf of the City, any required votes; obtain such professional and/or legal advice as may be necessary to ensure compliance with federal and state laws affecting deferred compensation programs; and

WHEREAS, the City Council has appointed the Plan Administrator and the Plan Administrator has appointed Deputies to manage the City's 457(b) Deferred Compensation Plan and, in that capacity, will exercise discretion and independent judgment in the performance of their duties, and they will act prudently and in the best interest of participants and beneficiaries of the 457(b) Deferred Compensation Plan; and

WHEREAS, the City now desires to indemnify, defend and hold harmless members of the City Council, the City Administrator, the Plan Administrator, the Deputies and delegates who have administrative responsibility under the 457(b) Deferred Compensation Plan, and with respect to any liability, loss, damage or expense resulting from any act or omission in their official capacities in the administration of the 457(b) Deferred Compensation Plan, and excluding willful misconduct, gross negligence and fraud.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

1. The City will indemnify, defend and hold harmless members of the City Council, the City Administrator, the Plan Administrator, the Deputies and their delegates who have

administrative responsibility under the 457(b) Deferred Compensation Plan, with respect to any and all liability, loss, damage or expense, including, but not limited to, attorney, accountant, and advisory fees and all other expenses reasonably incurred in their defense, resulting from any act or omission in their official capacities in the administration of the 457(b) Deferred Compensation Plan, excluding willful misconduct, gross negligence and fraud.

2. In no event shall the City pay such indemnification or defense costs provided herein using 457(b) Deferred Compensation Plan assets.



CITY OF SANTA BARBARA

Agenda Item No. 4

COUNCIL AGENDA REPORT

File Code No. 550.1

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Downtown Organization Annual Assessment Report For 2021 And Intention To Levy

RECOMMENDATION: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2021; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2021, at a Public Hearing to be Held on March 2, 2021, at 2:00 p.m.

DISCUSSION:

The Downtown and Old Town Business Improvement Districts have provided marketing and promotional services for Downtown businesses for over forty years. The merchants in both business improvement districts pay for these services through an assessment based on their business license fee, location, and type of business. The assessment revenue is collected each year by the City and then remitted to Downtown Santa Barbara, a 501 (c) 3 organization that operates both improvement districts after merging with the Old Town Merchants Association in 2005.

The Downtown Business Improvement District serves businesses between Chapala and Anacapa Streets, from Ortega Street north to Micheltorena Street, as authorized under Municipal Code Section 4.39. The Old Town Improvement District serves businesses between Chapala and Anacapa Streets, from Gutierrez Street north to Ortega Street, as authorized under Municipal Code Section 4.43 (Map provided in Attachment).

The City Council, as the governing body of both improvement districts, requires the preparation and adoption of an annual assessment report pursuant to the California Streets and Highways Code, Parking and Business Improvement Area Law of 1989. In accordance with state law, the City Council must approve the assessment report and adopt a resolution of intention to levy an annual assessment for the fiscal year. The report outlines the assessment to be levied and collected from January 1, 2021 to December 31, 2021 to pay for activities planned for the upcoming year with the estimated cost. The report provides the method and basis of the assessment for business owners to estimate the assessment amount for their business.

For the calendar year of 2021, there are no proposed changes to the boundaries or assessment rates in the Downtown and Old Town Improvement Districts. The Downtown and Old Town Business Improvement District revenues are projected to be approximately \$170,000 in business assessments to fund marketing and promotional activities for downtown businesses. On June 30, 2020, the City Council approved an annual agreement with Downtown Santa Barbara to provide \$310,000 for marketing, promotion, and event planning services. Combined with other revenue sources, Downtown Santa Barbara has an estimated total budget of \$579,130.

Generally, the Parking and Business Improvement Area Law of 1989 allows the Downtown Organization to provide the following activities through the Business Improvement Districts:

- Promotion of public events which benefit businesses in the area,
- Furnishing of music in any public place in the area,
- Promotion of tourism within the area, and
- Activities which benefit businesses located and operating in the area.

Marketing and promotional activities of the Downtown and Old Town Improvement Districts include the new Promenade Market, holiday décor, and promotion of the Downtown area by website, social media, and various marketing campaigns. This longstanding partnership between the City and downtown business community has helped promote the downtown area as a vital retail corridor and cultural arts destination for residents and visitors.

With Council approval of the annual report, notices to levy and collect the assessment will be mailed to all affected businesses in the districts. The notices will inform businesses of a public hearing on March 2, 2021. At the public hearing, the City Council would confirm whether there is a lack of majority protest (opposition received from business owners who pay 50% or more of the total assessments to be levied), and adopt a resolution to assess the rates in accordance with the annual report.

PREPARED BY: Nina Johnson, Senior Assistant to the City Administrator

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING COUNCIL'S INTENTION TO LEVY DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND OLD TOWN BUSINESS IMPROVEMENT DISTRICT ASSESSMENT RATES FOR 2021, AT A PUBLIC HEARING TO BE HELD ON MARCH 2, 2021, AT 2:00 P.M.

WHEREAS, pursuant to Section 36534 of the California Streets and Highways Code, it is the intention of the Council of the City of Santa Barbara, to conduct a public hearing to determine whether to fix and assess a 2021 Downtown Business Improvement District assessment (hereinafter referred to as Downtown BID), as established by Chapter 4.39 of the Santa Barbara Municipal Code, adopted on May 7, 1985;

WHEREAS, pursuant to Section 36534 of the California Streets and Highways Code, it is the intention of the Council of the City of Santa Barbara, to conduct a public hearing to determine whether to fix and assess a 2021 Old Town Business Improvement District assessment (hereinafter referred to as Old Town BID), as established by Chapter 4.43 of the Santa Barbara Municipal Code, adopted on June 3, 1986;

WHEREAS, upon the completion of a public hearing, it shall be the intention of the City Council to levy and collect a benefit assessment within Downtown BID and Old Town BID as described in the Fiscal Year 2021 Annual Report, Exhibit A;

WHEREAS, for Fiscal Year 2021, the improvements and activities to be provided shall consist of marketing and promotional activities for the businesses in the Downtown area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA:

SECTION 1. It is the intention of the City Council to levy and collect assessments within the Downtown Business Improvement District for the Fiscal Year of 2021 from January 1 to December 31, 2021, within boundaries established upon the enactment of Chapter 4.39 of the Santa Barbara Municipal Code on May 7, 1985. It is also the City Council's intention to confirm the method and basis of assessment as established by the City Council upon the enactment of Santa Barbara Municipal Code Chapter 4.39, and as described in the Report.

SECTION 2. It is the intention of the City Council to levy and collect assessments within the Old Town Business Improvement District for the Fiscal Year of 2021 from January 1 to December 31, 2021, within boundaries established upon the enactment of Chapter 4.43 of the Santa Barbara Municipal Code on June 3, 1986. It is also the City Council's intention to confirm the method and basis of assessment as established by the City Council upon the enactment of Santa Barbara Municipal Code Chapter 4.43, and as described in the Report.

SECTION 3. The time and place for the public hearing to consider the intention of the City Council shall be during the 2:00 p.m. session of the Council's regularly scheduled meeting of March 2, 2021, conducted virtually.

SECTION 4. Written and oral protests to the proposed 2020 Downtown BID and Old Town BID Assessments, as described in the Report, may be mailed to the City Clerk or made at the above-described public hearing provided that such protests are in the form and manner required by Sections 36524 and 36525 of the California Streets and Highways Code.

SECTION 5. The City Clerk shall give notice of the above-described public hearing by causing a copy of this resolution of intention to be published in a newspaper or general circulation in the City no less than seven (7) days prior to March 2, 2021 and mailing a copy of this resolution of intention to affected business owners within seven (7) days of the City Council's adoption of the resolution of intention to levy businesses in the area.

Exhibit A

Downtown Organization of Santa Barbara, Inc.

2021 Annual Report for the Downtown Business Improvement District and the Old Town Business Improvement District

This Annual Report from the Downtown Organization of Santa Barbara, Inc. dba Downtown Santa Barbara was prepared for the Santa Barbara City Council to review for the annual reauthorization of both the Downtown Santa Barbara Business Improvement District (Downtown BID) and the Old Town Business Improvement District (OTBID). This is the fifty-fifth year of operations for the two BIDs, managed under contract by Downtown Santa Barbara, a non-profit membership organization incorporated in 1966 whose purpose is to promote and protect the vitality of downtown Santa Barbara. This report is required by Section 36533 of the California Streets and Highways Code. This report is for both BIDs, commencing January 1, 2021 and ending December 31, 2021.

EXECUTIVE SUMMARY: Downtown Santa Barbara's relationship with the City of Santa Barbara is as vital now as at any point in the organization's long history. We have a contractual relationship with the City through a Promotions contract, a financial relationship through renewal and collection of BID fees, and a personal relationship through which we collaborate on ways to strengthen downtown Santa Barbara. Over the past year, Downtown Santa Barbara's board and staff have been responsive to the needs of businesses who have been faced with the challenges of the pandemic. Our organization's priority areas are the following: economic vitality; business retention, marketing and promotion; advocacy; activations and special events, and maintaining a clean, green, and safe downtown. Staff and committees have been reorganized based on the priority areas to promote and support businesses with the challenges of the pandemic. In 2021 we hope to bring economic recovery and revitalization of our downtown and continue advancing relationships and our strategic plan.

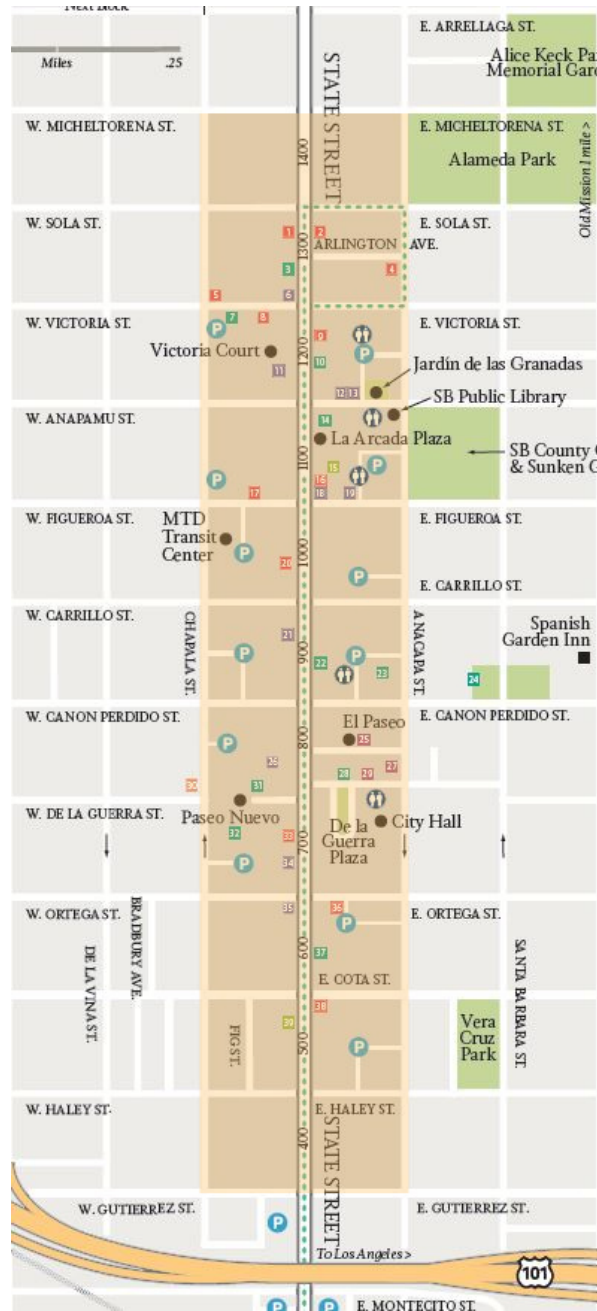
BACKGROUND: These two Downtown BIDs were established separately by ordinance, at different times and for different purposes, and therefore have slightly different formulas for their respective assessments.

MANAGEMENT SERVICES: Once the BIDs were established, the City of Santa Barbara contracted for their management and the provision of services with the Downtown Organization of Santa Barbara, Inc. The Downtown Organization then merged with the Old Town Business Association in 2004. The two BIDs have continued to operate separately in compliance with their respective ordinances. Their combined revenues support the operations and programs managed by the

Downtown Santa Barbara organization, under the contract for BID services with the City of Santa Barbara.

DOWNTOWN BID BOUNDARIES: The Improvement Area is defined as follows in the original ordinance establishing the district: *The business improvement area is the area within the areas bounded by Anacapa, Chapala, Micheltorena, and Cota Streets.*

OLD TOWN BID BOUNDARIES: The Improvement Area is defined as follows in the original ordinance establishing the district: *The Business Improvement Area is the area within the area bounded by Anacapa, Chapala, Gutierrez and Ortega streets and businesses fronting on the area bounded by said streets and businesses fronting the intersections of said streets, except that the area north of the centerline of Ortega Street is not included.*



As required by California law, this combined Annual BID Report for the Downtown BID and the Old Town BID contains the following information:

1. Proposed Changes to the District Boundary:

There are no changes proposed to either the Downtown BID or the Old Town BID boundaries.

2. Planned Improvements and Activities for the 2020-2021 Fiscal Year:

The following Downtown Santa Barbara projects and programs are planned for 2021. These activities are consistent with both BIDs' enabling legislation and the Board-approved 2020-2021 Budget and Work Plan priorities.

2020-2025 STRATEGIC PLAN

- 2.1 Strategic Plan – Update the strategic plan and implementation plan to meet the needs of businesses in the face of recovering from the pandemic.
- 2.2 Committee Structure for DSB –Work to increase engagement of business owners and community members in the work of DSB through committee working groups.
- 2.3 Metrics for Success – Develop metrics for success for each priority area and track progress quarterly.
- 2.4 Downtown Visioning Process - DSB will work with partners and the City to complete a visioning process and plan for downtown Santa Barbara and the re-envisioning of State Street.
- 2.5 Focus on Storytelling – Focus on telling the story of our changing downtown - new businesses opening, old favorites thriving, food offerings for every palate, entertainment for young and old, buildings wearing the vibrant color of SB, and events inviting locals and tourists alike to experience anew our downtown.

MARKETING, COMMUNICATIONS, AND ADVERTISING

- 2.6 Website and Communications – Develop and execute marketing plan for Downtown Santa Barbara. Continue to conduct an annual survey of business owners to determine priorities and needs, to help Downtown Santa Barbara set priorities. Continuous updating of Downtown Santa Barbara website to include business member pages, event calendars, neighborhood shopping guide, business directory, video shopping tours and more. Continue to promote and leverage the downtown website, with additional outreach to downtown businesses to build their own pages, content, and to feature and showcase the new businesses and attractions. Continue to engage customers, the general public, and business members through all social media outlets. New features include:
- 2.7 Downtown Santa Barbara IGTV Business Live Series: In response to the pandemic conditions, we added an Instagram live digital live series, where we interview different business owners live for extra individualized promotion to our 22,000 Instagram followers which we will continue into 2021.
- 2.8 Marketing/Media Campaigns – Provide year-round leadership and management services for advertising partnerships and trades with partner organizations, media outlets, and community service venues to leverage year-round promotions and retail activities. Strong social media efforts designed to raise awareness of downtown's history, events, and businesses. Created in 2020 and to be continued in 2021 is the Downtown Business Spotlight" a weekly interview series with downtown business owners in diverse industries in partnership with the Santa Barbara Independent marketed and distributed in print, *Santa Barbara Independent* e-newsletters,

Downtown SB e-newsletters and social media and recorded for businesses to use as well.

- 2.9 Downtown Map & Guide – Expand visibility for more than 100,000 full color brochures, delivered year-round to hotels, destinations, cruise ship patrons, downtown events, California Visitor Center locations, and other visitor-oriented outlets.
- 2.10 Cruise Ship Volunteer Program and Visitor Outreach – (Continue when conditions allow) staffing for community-based volunteer program providing hospitality services for all cruise ship visits, in partnership with the Santa Barbara Waterfront, Visit Santa Barbara, and Chamber of the Santa Barbara Region. Redevelop host program for outreach through the summer.
- 2.11 Marketing/Advertising for Major Festivals/Events — (Continue when conditions allow) Provide marketing/social media support for other signature events (i.e. Solstice, Fiesta). Staging and production services on State Street in support of all community parade operations, and direct marketing to all downtown businesses.
- 2.12 Retail Promotions – Continue to expand Small Business Saturday, building on our prior success and planning in 2020. Offer strategic retail-oriented events to drive sales and attendance at key times.

PROGRAMMING AND SPECIAL EVENTS

2.14 District and Community Promotion – Develop plan to promote districts within our downtown. Year-round State Street flag display program with over 40 non-profit community partners. Develop new opportunities for entry into the program through reduced cost measures.

2.15 1st Thursday, Art and Wine Tour events – (Continue when conditions allow) Year-round monthly program showcasing culture, vitality of State Street, providing participation opportunities for retailers, galleries, wineries, and restaurants. Merchant match well over \$250,000 for the 2019 year. Continue to assist the Art District and bring together cultural partners to develop district marketing program.

2.16 Annual Awards Breakfast – Design and produce our yearly annual celebration, program including Annual Downtown Awards: Business Champion of the Year, Volunteer of the Year, Richard Breza Award for Public Service, Harriet Miller Youth Leadership Scholarship, Citizen of the Year, and a new Entrepreneur of the Year award.

2.17 Holiday Parade, Community Holiday Tree and Seasonal Programming – (continue as conditions allow) Secure sponsorship support to retain Holiday Tree tradition, expanded marketing and social media engagement in support of holiday shopping, explore feasibility of additional continued improvements to Parade operations. Collaborate with Summer Solstice for continued execution of the Santa float. Expansion of sponsorship program for annual parade with new Grand Marshal sponsor and new Prince & Fairy sponsor. Tuba Christmas partnership will also continue. Continued plan for expanded holiday tree lighting.

2.18 Business District Holiday Décor Program – Partner with the city to implement the

holiday décor program to include lighting on all palm and street trees; seasonal décor, window display contests among the merchants.

2.19 Downtown Networking Meetings (Online & In person) – Continue to host downtown networking meetings to engage business owners and community leaders and provide opportunities to increase communication.

2.20 State Street Promenade Market– a weekly Thursday market from 3-7:30 PM designed to promote downtown businesses and create vibrancy downtown. This is anticipated to expand over time to include entertainment, feature local restaurants and family-oriented activities and more as Covid-19 conditions improve. Participation is free for businesses in the BID area as an extra promotion for businesses, online and in person.

2.21 Activations/Placemaking – Create list of programmatic activation sites in downtown and host pop-up events at key times to increase activity in the downtown.

BUSINESS RETENTION, OUTREACH, INVOLVEMENT, AND ADVOCACY

2.22 Outreach Materials and Mailings – Weekly e-newsletter highlighting downtown happenings and downtown businesses.

2.23 Online Calendar of Events: Businesses add happenings directly to the calendar. These are featured on our website and populates our e-newsletter and social media calendars.

2.24 Membership Portal: Businesses update their listings on the DSB website, and include different photos, descriptions, and contact info at any time. This is an important way to have locals and visitors and locals find downtown businesses. Tutorials and trainings offered.

2.25 Free Business 1 x 1 Strategy Calls by appointment are available with Downtown Santa Barbara staff and our partner organization business strategy specialists to support downtown businesses.

2.26 Business resources and trainings: Each month DSB offers free webinars on current issues affecting downtown businesses as well as educational resources to grow your business and navigate these unique times.

2.27 Community Involvement and Engagement – Active participation in community, civic boards, and civic groups year-round. Provide strong representation and active involvement on other Boards and civic organizations from both staff and other board members.

2.28 Facilitation of Committees: Downtown Santa Barbara hosts a number of committees to support our downtown business community they are accessible to all BID

businesses including: Business Support & Retention, Marketing & Promotion, Fundraising & Development, Government Relations, Business Mentorship and other Adhoc Committees as needed

2.29 Support of Downtown Events & Initiatives – Continue to work with organizers as conditions allow to promote and support downtown events and activations including: SBIFF, CycleMAYnia, State Street Nationals, Santa Barbara Art Museum Van Gogh exhibit celebration, and the Summer Movie Series at the Santa Barbara Courthouse. Continue sponsorship of Pianos on State program and other arts programming on downtown art pads.

2.30 Coordination with South Coast Chamber – Explore more coordinated and collaborative efforts with the newly created South Coast Chamber to produce support business retention, recovery, revitalization and economic development.

2.31 Safety Initiatives – Continue engagement and support with partners. Serve on the SB Act steering committee. Continued collaboration with businesses/police/support from Ambassadors program, including education/awareness efforts.

ADMINISTRATION

2.32 Administrative Services – Continue to provide administrative services for all programs, services, events, rentals, and marketing services provided to members.

2.33 Accounting Services – Continue to staff and administer all accounting, finance responsibilities for accounts payable, receivable, reports, etc.

3. Estimated Costs of BID-Related Improvements and Activities Proposed for FY 2020-2021:

PROJECTED BID ASSESSMENT EXPENSES

Expense Type	BID	Other	Total
Program Expenses	\$3,800	\$49,493	\$53,293
Promotion Expenses	35,180	75,993	111,173
Salaries and Benefits	56,704	223,000	279,704
Professional Services	18,000	37,500	55,500
General and Administrative	56,316	23,144	79,460
Total	\$170,000	\$409,130	\$579,130

PROJECTED DOWNTOWN ORGANIZATION EARNED NON-ASSESSMENT REVENUES DERIVED for FY 2020-2021 (July 1, 2020 -June 30, 2021)

City Promotions Funding	\$310,000
Associate Membership Dues	\$10,350

Flag Admin Fees	\$20,000
Programs and Sponsorship	\$44,500
Map and Brochure	\$19,080
Board Contributions	\$5000
Interest Income	\$200
TOTAL NON ASSESSED INCOME	\$409,130

***Downtown Combined BIDs ASSESSMENT**

(Assessment Billing 2020-2021 (July 1, 2020 to June 30, 2021))

	<u>\$170,000</u>
Total Projected Revenues	\$579,130

NOTE: These financial summaries are limited to the operations and overhead of Downtown Santa Barbara.

4. Method and Basis of Levying the Assessment Shall Continue as Follows:

The benefit assessments will be collected by the City in one installment. There are no proposed changes to the formulas or rates for the two Downtown BIDs as outlined in the original establishment of the BIDs.

Old Town BID assessment formula:

Category	Charge
Businesses located on State Street	Equal to 100% of business license. Minimum of \$100.00
Businesses not located on State Street	Equal to 75% of business license. Minimum of \$100.00
Automobile Sales and Service Businesses	Businesses in Classification "B" of Section 5.04.390 shall pay a maximum charge of \$600.00 per year
Other Businesses: Wholesale, Professional, and Real Estate business as shown in Category 5.04.400	\$100.00

Downtown BID assessment formula:

Category	Charge
Professionals	Equal to 15% of business tax paid. Minimum of \$50.00
All Others	Equal to 100% of business license.

5. Surplus Carryover from FY 2020:

There is not a surplus of assessment dollar funds being carried over from the FY 2020 budget; assessment dollars are spent first on services and programs to benefit the ratepayers for the BIDs before non-assessment dollars are spent.

6. Sources of Contributions From Other than Levied Assessments:

Downtown Santa Barbara generates other sources of funds and earned revenues through a variety of programs and third-party contracts for services. These include earned revenues from maintenance contract services, ticket sales for events, sponsorships, administration fees, associate membership dues, advertising sales, host and cruise ship volunteer contracts, and donations.

7. Prior Year Assessed Income Expenditures 2020

The total collected for the Old Town BID was \$54,762.67 and the total assessed for the Downtown BID was \$176,311.65 for a total collected by the city and remitted to the Downtown Organization in 2020 is 231,074.32

The following services were provided as benefits to the ratepayers from January 2020 – December 2020.

Downtown website

- Launched early 2016 and continually updated with event highlights, new events, shopping directory of businesses, business features via video, photos etc.
- Average 40,000 visitors per quarter.

Earned Media Features Over 70 features in regional newspapers, tv stations, magazines etc.

Print Marketing

- Produced and distributed Map & Guide.
- Advertisement buys in various local and regional publications.
- Cruise ship visitor outreach with marketing opportunities for members, marketing

Social Media:

- Instagram Live Business Highlight Series highlighting 12 businesses per week
- More than 200 businesses featured per quarter via Instagram followers (22,000) and Facebook (11,000)

Video Production

- Developed and produced videos for Downtown Santa Barbara
- 1st Thursda
- Virtual Shopping Tours

E-Newsletters - Weekly e-newsletters to community and businesses including business highlights, programs, events, webinars, resources and more
(average of 49% open rate)

State Street Flag Program – Full year of flags with 3 new non-profit participants

Business Outreach & Support –Business outreach, new Executive Director held hundreds of meetings with business leaders, property owners, and community leaders, educational webinars, pandemic relief and recovery efforts, business strategy sessions and more.

Community Outreach – provided presentations to community groups about downtown issues

Holiday Lighting – Provided shooting star holiday lights throughout State Street and Holiday tree, and extended the holiday tree lighting through spring

Support of downtown events – provided support, marketing, programming, and staff to downtown events such as Culinary Experience, Common Table, Experiment Weekend, CycleMAYnia, ART Santa Barbara, Tiny Libraries, Innovation Workshop

DSB Produced Events

- Annual Awards Breakfast February
- 1st Thursday Series - February and March
- Small Business Saturday, November 28
- State Street Promenade Market, Thursdays November 5-December 17
- Business Spotlight Series: Weekly Interview series featuring different business owners in collaboration with the *Santa Barbara Independent*

Advocacy – Provided public testimony and/or comments and advocated for businesses on issues affecting downtown Santa Barbara such as homelessness, youth bicycling, outdoor dining and the future of state street.

Convener Monthly Board meetings with city and business leaders, Committee meetings including

- Business Support & Retention,
- Marketing & Promotion
- Fundraising & Development
- Government Relations
- Business Mentorship
- Adhoc Committees as needed

Active Participants: Santa Barbara Business Task Force Team, Government Relations Committee; Community Arts Workshop; Old Spanish Days Fiesta; Hospitality Santa Barbara; International Downtown Association; California Downtown Association; Visit Santa Barbara; Summer Solstice; SB Act; de la Guerra Plaza and Farmer's Market conversations.

Professional Memberships:

Member: CDA

Member: International Downtown Association

Member: ICSC



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Facilities Management Division, Public Works Department

SUBJECT: Contract For Design Of The Carrillo Gymnasium Minor Renewal Project

RECOMMENDATION:

That Council authorize the Acting Public Works Director to execute a City Professional Services Agreement with Architectural Resources Group, a California Corporation, in the amount of \$82,780 for design services for the Carrillo Gymnasium Minor Renewal Project, and authorize the Acting Public Works Director to approve expenditures of up to \$6,986 for extra services of Architectural Resources Group, that may result from necessary changes in the scope of work.

DISCUSSION:

Project Description

The Carrillo Gymnasium, located at 114 East Carrillo Street, was designed by architect Julia Morgan in 1926 and is designated as a City Landmark. Adjacent to the Carrillo Recreation Center, the Carrillo Gymnasium has been a key recreation facility in the heart of Santa Barbara's downtown.

The purpose of the Carrillo Gymnasium Minor Renewal Project (Project) is to repair the building façade, waterproof the building exterior, complete the replacement of windows, paint the interior and exterior, and conduct a structural review. The building's exterior walls and decorative columns have dispersed degradation that is anticipated to increase in severity with time if not repaired now. The building has water intrusion in ceilings and/or walls on all levels that need to be addressed. Additionally, given the age and construction of the building, a structural review is needed as a life safety precaution. This work will preserve the building until complete building renovation can be completed at a future date.

Architectural Resources Group (ARG) will provide a feasibility study and design construction documents that will focus on preserving the architectural/historic aspects of the building, while assessing and rehabilitating the building's physical structure.

The following are the scope of work design phase milestones proposed by ARG.

- Phase I: Feasibility Study and Concept Design
- Phase II: Design Development
- Phase III: Final Construction Documents
- Phase IV: Construction Observation

Design Phase Consultant Engineering Services

Staff recommends that Council authorize the Acting Public Works Director to execute a contract with ARG for the total amount of \$89,766. Of this total amount, \$69,860 is for design-by-contract, plus \$6,986 for potential extra design services, for a total design amount (Phases I through III) of \$76,846. Additionally, the recommendation includes the contract amount of \$12,920 (Phase IV) for construction observation, generating a total contract authority request for \$89,766.

ARG was selected after the City conducted a Request for Proposals for design of the Project and received multiple responses. A four-staff panel, including the City Architectural Historian, thoroughly evaluated all proposals via a Qualifications Based Selection process, as set forth by The Brooks Act, and concluded that the proposal by ARG provides that it is most qualified to complete the work.

The cost for the proposal was in line with market rates for this type of project and within the range of City budget estimates, and similar to another historic Santa Barbara building renewal project, the Central Library Exterior Renovation Project, for which ARG was the consultant.

BUDGET/FINANCIAL INFORMATION:

The following summarized all estimated total Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

Design by Contract (Phases I-III) with Change Order Authority	\$76,846
Other Design Costs – Hazardous Materials Testing, Seismic Assessment	\$17,710
Subtotal	\$94,556
Estimated Construction Contract with Change Order Authority	\$415,524
Construction Observation – Architect (Phase IV)	\$12,920
Estimated Construction Management/Inspection Costs – City Staff, Building Permit	\$17,000
Subtotal	\$445,444
ESTIMATED TOTAL PROJECT COST	\$540,000

There are sufficient appropriated funds in The Measure C Capital Fund to cover these costs.

A copy of the contract may be requested from the Public Works Department for public review; please contact us at PWInfo@SantaBarbaraCA.gov to request a copy.

SUSTAINABILITY IMPACT:

This Project is a restoration project to a City Landmark building. The Project's focus and goal is to maintain the building's integrity over the next decades. Additionally, the final design will include the encapsulation of lead-based paint from the building, and the addition of waterproofing to create a watertight shell.

ENVIRONMENTAL REVIEW:

ARG meets the Professional Standards in Historic Preservation, as outlined by the Secretary of Interior's Guidelines and Qualifications to ensure the Project will meet the Secretary of the Interior's Standards for the Treatment of Historic Resources and will not have a less than significant impact on this historic resource and will qualify for a categorical exemption as per California Environmental Quality Act Section 15064.5 (b) (3).

PREPARED BY: Angela Oslund, Facilities Manager/MR/td

SUBMITTED BY: Joshua Haggmark, Acting Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Contract For Construction Of Louise Lowry Davis Center Phase I Project

RECOMMENDATION:

That Council reject the bid protest of Tomar Construction, Inc., and award a contract with BNC Construction, Inc. in their low bid amount of \$664,500, including three Additive Bid Items, for construction of the Louise Lowry Davis Center Phase I Project, Bid No. 4016; and authorize the Public Works Director to execute the contract and approve expenditures up to \$66,450 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

DISCUSSION:

Project Description

The Louise Lowry Davis Center Phase I Project (Project) consists of exterior improvements to an important recreational and event facility at 1232 De La Vina Street. The project includes enclosing the exterior courtyard with ornamental iron fencing with gates, installing raised concrete landing with stairs and accessible ramp to the lower part of the courtyard, installing a new pergola (trellis) in the courtyard and at the entry from the parking lot, and installation of new lighting and landscaping with irrigation.

Contract Bids

A total of seven (7) bids were received for the subject work, ranging as follows:

BIDDER	BID AMOUNT
1. BNC Construction, Inc. Artesia, CA	\$464,500.00

2.	Tomar Construction, Inc. Santa Paula, CA	<i>\$580,300.00</i>
3.	Newton Construction San Luis Obispo, CA	<i>\$627,000.00</i>
4.	Civic Construction Associates Camarillo, CA	<i>\$640,000.00</i>
5.	Specialty Construction San Luis Obispo, CA	<i>\$677,724.00</i>
6.	Quincon, Inc. Grover Beach, CA	<i>\$682,283.00</i>
7.	EJS Construction, Inc. Carpinteria, CA	<i>\$750,976.42</i>

The low bid of \$464,500.00, submitted by BNC Construction, Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

Three Additive Bid Items for additional landscaping, irrigation, and plant establishment were included in the project advertisement. The City has the option to award Additive Bid Items in addition to the base bid. Considering the low bid received for this work, Staff recommends the award of all three Additive Bid Items in the amount of \$200,000.00 in addition to the base bid, for a total contract amount of \$664,500.00.

The change order funding recommendation of \$66,450.00, or ten percent, is typical for this type of work and size of project.

Bid Protest

On January 11, 2021, a bid protest was filed by the second apparent low bidder, Tomar Construction, Inc. (Tomar). Tomar's protest asserts that the Project's specified window and door work is glazing specialty work that requires a C-17 contractor's license and that BNC Construction, Inc. does not hold a C-17 contractor's license and did not list a subcontractor with a C-17 contractor's license. Staff thoroughly investigated this assertion made by Tomar and has found no proper basis that would support the rejection of the low bidder in favor of Tomar.

Additionally, on January 6, 2021, staff received two email inquiries from the fourth apparent low bidder, Civic Construction Associates. Civic Construction Associates did not file a formal bid protest, however staff nonetheless investigated the inquiries and found no proper basis that would support the rejection of the low bidder.

Staff finds BNC Construction, Inc.'s proposal to be responsive to the request for bids and recommends that Council reject the bid protest filed by Tomar and proceed with award of the contract to BNC Construction, Inc. For more information, please review all materials in the attached Reading File.

Community Outreach

Staff will notify adjacent property owners and residents located near the Project location of the construction via mailers. The Contractor will provide final notice, via door hangers, 72 hours prior to construction.

BUDGET/FINANCIAL INFORMATION:

Project construction is funded by a Community Development Block Grant (CDBG) in the amount of \$254,900 and an allocation in Fiscal Year 2021 Measure C Capital Fund in the amount of \$935,000. There are sufficient appropriated funds to cover the cost of this Project.

The following tables summarize the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
BNC Construction, Inc.	\$664,500.00	\$66,450.00	\$730,950.00
TOTAL RECOMMENDED AUTHORIZATION			\$730,950.00

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

**Cents have been rounded to the nearest dollar in this table.*

	CDBG GRANT	CITY SHARE	TOTAL
City Design Cost	\$0	\$210,186	\$210,186
City Survey Costs	\$0	\$0	\$0
<i>Design Subtotal</i>	\$0	\$210,186	\$210,186
Construction Contract including Additive Items	\$254,900	\$409,600	\$664,500
Construction Change Order Allowance	\$0	\$66,450	66,450
<i>Subtotal</i>	\$254,900	\$476,050	\$730,950

Construction Management/Inspection (by City Staff)	\$0	\$20,000	\$20,000
Design Support/Inspection Services (Contract)	\$0	\$5,000	5,000
<i>Subtotal</i>	\$0	\$25,000	\$25,000
<i>Construction Subtotal</i>	\$254,900	\$560,550	\$815,450
TOTAL PROJECT COST	\$254,900	\$770,736	\$1,025,636

A copy of the contract may be requested from the Public Works Department for public review; please contact PWInfo@SantaBarbaraCA.gov to request a copy.

ENVIRONMENTAL REVIEW

The Environmental Analyst has determined the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15301 Existing Facilities because it constitutes exterior alterations that do not result in a change or intensification of use.

ATTACHMENT: Bid Protest Reading File

PREPARED BY: Andrew Bermond, Parks Capital Projects Supervisor

SUBMITTED BY: Jill Zachary, Parks and Recreation Director

APPROVED BY: City Administrator's Office

120 South Calavo Street, Suite B
Santa Paula, CA 93060
office (805) 525-6500 fax (805) 525-6565
tjconstructionvta@yahoo.com
CSLB #693713 | DIR #1000420026

January 11, 2021

Purchasing Department
City of Santa Barbara
310 E. Ortega St.
Santa Barbara, CA 93101
Attention: Ashleigh Shue, P.E., Acting City Engineer

Re: Bid Protest for Louise Lowry Davis Center Project Phase I, Bid No. 4016

Please allow this letter to serve as Tomar Construction Inc.'s formal protest to BNC Construction's bid for Louise Lowry Davis Center Project Phase I, Bid No. 4016.

BNC Construction did not list a subcontractor for the specified Kawneer Storefront Doors and Window. This work is a Glazing Specialty and a substantial portion of the cost of this project. As BNC Construction does not possess a C17 license for glazing, nor did they list a C17 Subcontractor for this specialty trade, it is implicit that they would be using an unlisted subcontractor for an amount that far exceeds the limit of one half of one percent of the total contract price as stated on pages 2 and 18 of the specifications.

Due to this, BNC Construction's bid for the Louise Lowry Davis Center Project Phase I, Bid No. 4016 should be rejected.

Respectfully,

John Fkiaras, Vice President
Tomar Construction Inc.



City of Santa Barbara

Public Works Department

www.ci.santa-barbara.ca.us

January 12, 2021

Tomar Construction, Inc.
John Fkiaras, Vice President
120 South Calavo Street, Suite B
Santa Paula, CA 93060

Bid Protest of Bid Number 4016 – Louise Lowry Davis Center Phase I Project

Dear Mr. Fkiaras:

We are in receipt of the Bid Protest letter dated January 11, 2021. Although the letter was submitted in a timely and valid manner, the protest itself is without merit and is denied.

With regard to BNC Construction, Inc. (BNC) not listing a glazing subcontractor with a C-17 contractor's license for the specified Kawneer Storefront Doors and Window, the City considers BNC to have sufficient experience to self-perform this work. BNC holds a B contractor's license and has provided multiple past project references that included replacement windows and doors. Lastly, the technical specifications did not require the installer to possess a C-17 contractor's license.

I appreciate your concern that the City have a qualified contractor assigned to this work. If you have any further questions or concerns, please contact me at 805-897-2661.

Sincerely,

Brian D'Amour, P.E.
City Engineer

AO/bk

cc: Dan Hentschke, Assistant City Attorney
Bill Hornung, General Services Manager
Peter Jeong, BNC Corporation, Inc, 17510 Pioneer Blvd #216, Artesia, CA, 90701

Main Offices

630 Garden Street
P.O. Box 1990
Santa Barbara, CA
93102-1990

Administration

Tel: 805.564.5377
Fax: 805.897.2613

Engineering

Tel: 805.564.5363
Fax: 805.564.5467

Facilities

Tel: 805.564.5415
Fax: 805.897.2577

Street Maintenance

Tel: 805.564.5413
Fax: 805.897.1991

Transportation Operations

Transportation Planning
Tel: 805.564.5385
Fax: 805.564.5467

Water Resources

Tel: 805.564.5413
Fax: 805.897.1991

Water Supply Mgmt.

Tel: 805.564.5460
Fax: 805.897.2613

Downtown Parking

1115 Anacapa Street
Santa Barbara, CA
93101
Tel: 805.963.1581
Fax: 805.963.1542

Bradley Klinzing

From: Bradley Klinzing
Sent: Wednesday, January 13, 2021 8:41 AM
To: 'CCA SB'
Cc: Jennifer Disney; Angela Oslund
Subject: RE: Protest additional items of concern
Attachments: 4_Nortarized Authorization Letter.pdf; 2_ICPI Certification.pdf; 1_3_Reference_Deark.pdf

Hi Tim,

We have reviewed all of your concerns and requested additional documentation from BNC. After reviewing the additional supporting information (attached), we feel BNC's bid is still an acceptable bid. Below is a summary of our responses, feel free to contact me with any further questions or if you'd like to file a formal protest.

Civic's informal inquiries:

Issue 1 – There are several names/signatures on the bid proposal, yet only one of the names is registered with the Secretary of State as officers or authorities to sign on behalf of BNC. *Response: BNC provided a notarized document dated September 18, 2019 that says the other two names are authorized to sign on behalf of BNC.*

Issue 2 – BNC does not have the minimum 5 years of experience on similar or public projects. *Response: Only certain technical specification sections had required minimum years of experience. BNC's subcontractor, Deark E&C, has the required years of experience for those work items.*

Issue 3 – BNC (nor BNC's subcontractor) does not have a C-27 landscape license. *Response: Per Addendum 1, a C-27 contractor's license was not required. BNC's subcontractor, Deark E&C, provided additional past project references that included landscaping installation and maintenance.*

Issue 4 – BNC is not self-performing at least 50% of the work. *Response: Per Addendum 1, the 50% self-perform requirement was reduced to the prime contractor only required to self-perform 15% of the work.*

Thank you,

Bradley Klinzing, PE
Supervising Engineer
CITY OF SANTA BARBARA, Public Works
(805) 564-5456 | bklinzing@SantaBarbaraCA.gov

IMPORTANT NOTE:

As part of the City's response to COVID-19, some staff are currently working remotely, will be checking emails and voicemail regularly, and will respond to your message within one business day. The self-service counters are open daily for your various pick up and drop off needs and limited in-person counter service is now available by appointment only; visit SantaBarbaraCA.gov/PublicCounterAppointments for more information. Similar measures are in place at many other City offices. For additional information please see: SantaBarbaraCA.gov/gov/cityhall/onlineservices.asp

From: CCA SB <ccatennis@yahoo.com>
Sent: Wednesday, January 6, 2021 11:23 AM
To: Bradley Klinzing <bklinzing@SantaBarbaraCA.gov>; Jennifer Disney <jdisney@SantaBarbaraCA.gov>
Subject: Protest additional items of concern

EXTERNAL

The other issue I see is the there are several signatures of individuals that are not shown on the Secretary of State as officers or authorities to sign on behalf of the corporation, Bnc Construction , Inc.

On the following documents are:

Bid Bond- Beak Jeong

Questionnaire under perjury- Peter Jeong

Certificate of Equal Opportunity- Beak Jeong

Page 370 of same Equal Opportunity- Peter Jeong

Bid form only- Kisuk Kim (the only owner and officer listed on the SOS website.

THanks, Tim

Bradley Klinzing

From: CCA SB <ccatennis@yahoo.com>
Sent: Wednesday, January 6, 2021 9:49 AM
To: Bradley Klinzing
Cc: Jennifer Disney
Subject: Re: Louise Lowry Davis Center BID

EXTERNAL

Hi,

Yes, I can drop it off this day. Also, I m not one to protest , but is paper contracting allowed nowadays. I thought the general contractor has to do at least 50% of their own work. Also, I believe you have a minimum of 5 years experience in similar or public projects to bid, the low bid has two years and no public jobs of this caliber. Their listed landscaper is an general engineering contractor with no landscape specialty license. I do not believe they can do a specialty c-27 with just a general or building license as a subcontractor.

Please let me know if there is any validity to these issues and I will formalize a protest per specs.

Thanks, Tim

On Tuesday, January 5, 2021, 01:33:25 PM PST, Bradley Klinzing <bklinzing@santabarbaraca.gov> wrote:

BNC dropped off their bid bond in person. Did you send it via certified mail? To which address and on which day did you send it? You could deliver it in person if you'd like, give me a call at 805-698-7737.

Bradley Klinzing, PE

Supervising Engineer

CITY OF SANTA BARBARA, Public Works

(805) 564-5456 | bklinzing@SantaBarbaraCA.gov

IMPORTANT NOTE:

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From: CCA SB <ccatennis@yahoo.com>
Sent: Tuesday, January 5, 2021 12:02 PM
To: Bradley Klinzing <bklinzing@SantaBarbaraCA.gov>

Cc: Ashleigh Shue <ashue@SantaBarbaraCA.gov>; Jennifer Disney <jdisney@SantaBarbaraCA.gov>
Subject: Re: Louise Lowry Davis Center BID

EXTERNAL

Yes. It was sent. Should I deliver in person one. How did the others deliver. Mail or in person.

On Tuesday, January 5, 2021, 11:39:11 AM PST, Bradley Klinzing <bklinzing@santabarbaraca.gov> wrote:

Good morning Mr. Hall,

Please find attached the requested information.

Additionally, I'd like to remind you that the three (3) lowest bidders are required to provide hard copies of their bid bond within three (3) business days of bid opening. As of yesterday, we have not received a hard copy of Civic Construction Associates' bid bond.

Thank you,

Bradley Klinzing, PE

Supervising Engineer

CITY OF SANTA BARBARA, Public Works

(805) 564-5456 | bklinzing@SantaBarbaraCA.gov

IMPORTANT NOTE:

As part of the City's response to COVID-19, some staff are currently working remotely, will be checking emails and voicemail regularly, and will respond to your message within one business day. The self-service counters are open daily for your various pick up and drop off needs and limited in-person counter service is now available by appointment only; visit SantaBarbaraCA.gov/PublicCounterAppointments for more information. Similar measures are in place at many other City offices. For additional information please see: SantaBarbaraCA.gov/gov/cityhall/onlineservices.asp

From: CCA SB <ccatennis@yahoo.com>

Sent: Thursday, December 31, 2020 3:52 PM

To: Bradley Klinzing <bklinzing@SantaBarbaraCA.gov>; Ashleigh Shue <ashue@SantaBarbaraCA.gov>

Subject: Louise Lowry Davis Center BID

EXTERNAL

This is a respectful request that you provide our firm the Bid Package: General Attachment from the Low Bidder Bnc Construction Inc., including, the Bid Bond,

Qualifications, non-collusion , subcontractors, reference, and all submitted bid documents for review and possible protest.

Thanks, Tim Hall

Civic Construction Associates



DEARK E&C, INC.

3650 BURRITT WAY
LA CRESCENTA, CA 91214
TEL. 424-344-2380

LIC.: 1059536

KEY PERSON PROFILE

SEAN LEE – PROJECT MANAGER

- **Project Management, Construction & Engineering Experience: Over 10 Years Engineering and Construction Experience**
 - a. Several City Building and Street Improvement
 - b. Knowledge of Building Renovation, Grading, Landscape, Concrete and Asphalt paving Project.
 - c. Several County Park and Recreation Project.
 - d. Several Federal Government Project.
 - e. In charge of all Public Project of Deark E&C, Inc.
- **Project Estimator Experience:**
 - a. Building, Concrete, Asphalt Paving, Grading, Landscape and Utility Estimate Experience.
- **Education Experience:**
 - a. BS in Mechanical Engineering
- **Contact:** 414-344-2380
- **E-mail:** slee@dearkec.com



DEARK E&C, INC

3650 Burritt Way, La Crescenta, CA 91214

Tel: 424-344-2380 E-mail: slee@dearkec.com

Lic#: 1059536

REFERENCE

PROJECT 1

- Name/Number: Pedestrian Safety Improvement 2012
- Project Description: Landscaping and concrete paving for various locations
- Approximate Construction Date: From 5/21/2012 to 7/10/2012
- Agency Name: City of Gardena Public Works
- Contact Person: Jose Espinoza Telephone: 310-217-9644
- Job address: Various Locations in Gardena, CA 90247
- Original Contract Amount: \$190,293 Final Contract Amount: \$218,047

PROJECT 2

- Name/Number: Palmdale Transportation Center ADA Upgrade
- Project Description: ADA Ramp, parking lot and restroom upgrade
- Approximate Construction Date: From 9/21/2020 to Currently
- Agency Name: City of Palmdale Public Works
- Contact Person: Ulises Gonzalez Telephone: 661-267-5241
- Job address: 39000 Clock Tower Plaza, Palmdale, CA 93550
- Original Contract Amount: \$167,700 Final Contract Amount: \$210,265



DEARK E&C, INC

3650 Burritt Way, La Crescenta, CA 91214

Tel: 424-344-2380 E-mail: slee@dearkec.com

Lic#: 1059536

PROJECT 3

- Name/Number: Construction for AMI System Installation
- Project Description: Upgrade AMI system, waterline and concrete works
- Approximate Construction Date: From 10/20/2017 to 12/15/2017
- Agency Name: City of Norwalk Public Works
- Contact Person: Julian Lee Telephone: 213-925-0228
- Job address: Various Locations in Norwalk, CA 90650
- Original Contract Amount: \$77,700 Final Contract Amount: \$209,500

PROJECT 4

- Name/Number: Construction on State Highway in Orange County
- Project Description: Installation of rock blanket and landscaping
- Approximate Construction Date: From 1/8/2018 to 2/4/2018
- Agency Name: HYM Engineering, Inc
- Contact Person: Paul Kim Telephone: 714-944-3991
- Job address: Ball Rd and Katella Ave on FW 57, Anaheim, CA
- Original Contract Amount: \$167,290 Final Contract Amount: \$167,290



DEARK E&C, INC

3650 Burritt Way, La Crescenta, CA 91214

Tel: 424-344-2380 E-mail: slee@dearkec.com

Lic#: 1059536

PROJECT 5

- Name/Number: Bunit APT New Building
- Project Description: New Landscaping for New APT
- Approximate Construction Date: From 10/20/2018 to 12/22/2018
- Agency Name: BPJ Construction, Inc
- Contact Person: Roger Min Telephone: 714-335-1313
- Job address: 407 N. Ardmore Ave, Los Angeles, CA 90004
- Original Contract Amount: \$210,000 Final Contract Amount: \$210,000

PROJECT 6

- Name/Number: The Landing Property Management
- Project Description: Landscaping Maintenance
- Approximate Construction Date: From 12/10/2019 to 4/24/2020
- Agency Name: Buffalo TJ Construction, Inc
- Contact Person: Tony Kim Telephone: 310-989-6829
- Job address: 1611 Ximeno Ave, Long Beach, CA 90804
- Original Contract Amount: \$173,000 Final Contract Amount: \$173,000



The ICPI acknowledges that

Charissa Farley

meets the requirements for the

ICPI Concrete Paver Installer Certification

Certification Valid through 12/31/2014

This document conveys that the participant named above has earned a Record of Completion for the Concrete Paver Installer Course and has documented the required amount of installation experience and continuing education as required by ICPI for this certification.

A handwritten signature in black ink, appearing to read "G. Froun".

Chair, ICPI Education Committee

A handwritten signature in black ink, appearing to read "Bob Bowers".

ICPI Director of Engineering



The Interlocking Concrete Pavement Institute acknowledges that

Charissa Farley

meets the ICPI requirements of an

**ICPI Authorized Instructor for the
Residential Specialist Course**

Authorization expires **December 31, 2020**

A handwritten signature in black ink, appearing to read 'Tom Farley', positioned above a horizontal line.

ICPI Education Committee Chair

A handwritten signature in black ink, appearing to read 'Chris McNamara', positioned above a horizontal line.

ICPI Executive Director





17510 Pioneer Blvd #216

Artesia, CA90701

Phone: [213-507-3794]

probnc17@gmail.com

contact@bnc-construction.com

Notarized Authorization Letter

to bidding and sign permits for contractors

Date : 9/19/2019

Efficacious Period: 9/19/2019

~ Sep 19, 2021

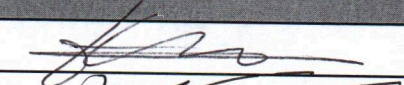

Notarized Authorization Letter

I hereby authorize the following persons to act on my behalf in signing for the public bidding documentation and obtaining permit application for the building and safety Department for me. I am properly licensed as required by the State of California.

Licensee information

Name: BNC Construction Inc
Date of birth: 13-Nov-73
E.I.N No : 82-3413242
Drive License: E1133898 (Kisuk Kim)
ADD: 17510 Pioneer Blvd. #216, Artesia, CA90701
DIR No: 1000055625
State License No: B-1034928
Worker's Com No: 9224715

Person Authorized to Sign Permits and Their Signatures

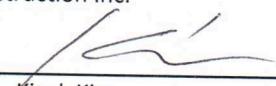
Name	Signature
Beak Keun Jeong	
Wonnyeong Jeong	

I assume full responsibility under the law for permits taken by the persons I have authorized by this document to act on my behalf

If you have any questions regarding this letter, Please feel free to call me at 562-400-4202 sincerely

BnC construction Inc.

Signature:


Kisuk Kim

Date:

9/18/2019

Thank You For Your Business!

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of California

County of Los Angeles)

On September 19, 2019, before me, T. Lee, Notary Public, personally appeared

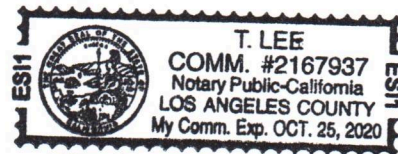

Kisuk Kim

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document:

Title or Type of Document: Notarized Authorization Letter

Document Date: 9-19-2019 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s):

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Individual

☐ Limited Partner

☐ General Partner

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Individual

☐ Limited Partner

☐ General Partner

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of Thumb Here

RIGHT THUMBPRINT
OF SIGNER

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MINUTES OF BOARD OF DIRECTOR MEETING

BNC CONSTRUCTION, INC

MINUTES OF THE BOARD OF DIRECTOR
HELD ON JANUARY 2, 2020

A meeting of the Board of Directors of BNC CONSTRUCTION, INC, a California, Corporation, was held on **January 2, 2020**, at **10:00a.m.**, in the Company's offices pursuant to prior notice of the meeting.

Member of the Board of Director present and in attendance at the meeting were:

Sole Director: KISUK KIM

Being sole the director of the Corporation.

Kisuk Kim, President of the Corporation, acted as Chairman of the meeting, and Kisuk Kim, Secretary of the Corporation, acted as Secretary of the meeting. The Chairman announced that a quorum of the director was present, and that the meeting, having been duly convened, was ready to proceed with its business.

Upon motion duly made, seconded, and unanimously approved, a reading of the minutes of the last meeting of the Board of Director was waived.

BE IT RESOLVED, that the following person be reappointed as Officers of the Corporation.

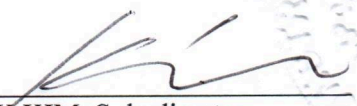
<u>Officers</u>	<u>Name</u>
President	KISUK KIM
Secretary	KISUK KIM
C.F.O.	KISUK KIM

BE IT RESOLVED, that the following person be reappointed as Signer of the Corporation for all documents of Corporation.

<u>Officers</u>	<u>Name</u>
Project Manager	BEAK KEUN JEONG (PETER JEONG)

BE IT FURTHER RESOLVED, that the officers shall serve until their successors are elected and qualified, subject to the By Laws of the Corporation; and

BE IT FURTHER RESOLVED, that this Resolution shall become a part of the permanent records of the Corporation.



KISUK KIM, Sole director

Dated: January 2, 2020



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Strategic Operations and Personnel, Police Department

SUBJECT: Professional Services Agreement For Parking Citation Services

RECOMMENDATION:

That Council approve a Professional Services Agreement with Data Ticket, Inc., for a term of three (3) years, with two (2) one-year optional extensions, for an electronic parking citation services and authorize expenditures up to \$150,000 dollars annually.

DISCUSSION:

Background

The Police Department currently employs 12 full-time Parking Enforcement Officers (PEO's) that enforce on-street parking regulations within City limits (approximately 42 square miles), which includes regulations related to timed zones, residential parking permit areas, and street sweeping. PEO's also enforce 5 surface parking lots for appropriate City permits. The Police Department issues approximately 85,000 citations annually.

Currently, the Parking Enforcement Division uses electronic hand-held ticket devices to issue parking citations. This system was implemented in 2015, when the Department replaced the then 20+ year old in-house system. The current system consolidated the issuance of citations, noticing, billing, and revenue collection into one program, with one vendor. Since the implementation of that system, there have been advances in technology for citation issuance, reporting, as well as improved analytics.

With the changes in technology, auditing, and reporting needs, the City issued a request for proposals (RFP) to evaluate additional parking citation systems and options for enhanced customer service, cost efficiency and the inclusion of vehicle theft identification.

In September 2020, the department issued an RFP and a total of 7 vendors responded. One vendor's submittal was considered non-responsive as they did not offer a parking citation system. These proposals were reviewed by staff, including representatives from other Departments, and the results of the review are shown below.

	Possible Points	Data Ticket, Inc.	IPS Group, Inc.	Turbo Data Systems, Inc.	Duncan Solutions Professional Account Management	Phoenix Group Information Systems	iNet (dba iPara)
Project Scope/Work Plan	40	38	35	35	25	26	18
Experience	30	28	25	25	20	15	12
Cost	15	12	15	12	10	7	7
References	10	9	5	5	8	5	3
Value added features and/or Functions	5	2	5	3	2	0	2
	100	89	85	80	65	53	42

Selected Vendor

Data Ticket, Inc. (Data Ticket) is a California Corporation, founded in 1989 as a collection service for public municipalities. In the last 31 years, the company has grown and become a full-service parking citation service that provides citation issuance software, notifications, and collection services. They have over 400 clients nation-wide and are a California Certified Small Business. Data Ticket's comprehensive system will allow the public to pay and dispute citations online. Data Ticket employs 52 full-time staff and provides live, bilingual Customer Service representatives that are fully trained to answer questions related to citation issuance, payment, adjudication, fix-it tickets, and signoffs. Additionally, they have an Interactive Voice Response (IVR) system that customers can access 24/7 if they need to make a payment, and provide an on-line website to handle payments and questions. Data Ticket's comprehensive system will allow the public to make payments and request reviews and should provide more consistent access for them.

Data Ticket's system also provides expanded reporting capabilities for staff and the software is more intuitive and easier to use. Data Ticket's cost proposal is based on actual usage of products and services and eliminates flat fees except for the \$100 per unit hand-held software annual license fee. The projected savings compared to the current vendor is approximately \$50,000 annually.

Data Ticket is a known vendor that has successfully provided administrative citation services for the Community Development Department and Police Department SNAP program.

BUDGET/FINANCIAL INFORMATION:

The annual value of the contract is \$150,000 and there are funds within the Police Department Fiscal Year 2021 budget for this contract.

A copy of the contract/agreement is available for public request by email to LPedersen@sbpd.com.

PREPARED BY: Lori Pedersen, Business Manager

SUBMITTED BY: Lori Luhnnow, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Transportation and Engineering Divisions, Public Works Department

SUBJECT: Cabrillo Boulevard And Union Pacific Railroad Bridge Project –
Memorandum Of Understanding Amendment

RECOMMENDATION:

That Council authorize the City Administrator to execute an Amendment to the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara County Association of Governments to extend the end date of the Memorandum of Understanding for the Cabrillo Boulevard and Union Pacific Railroad Bridge Project.

EXECUTIVE SUMMARY:

Improving East Cabrillo Boulevard between the U.S. 101 ramps and the intersection with Los Patos Way is critical for improved pedestrian and bicycle circulation as well as for the success and safe operations of the U.S. 101 Widening Project. City of Santa Barbara (City) staff have been working with Santa Barbara County Association of Governments (SBCAG) to ensure that this project is completed in parallel and in coordination with the U.S. 101 Widening Project. This report outlines the Cabrillo Boulevard and Union Pacific Railroad Bridge Project (Project) background and recommendation to extend the end date of the Memorandum of Understanding (MOU) in order to continue with reimbursable work.

DISCUSSION:

Project Description

The Project includes the planning, environmental (Phase 1), preliminary design (Phase 2), and final design (Phase 3) phases for pedestrian and bicycle improvements on East Cabrillo Boulevard between the U.S. 101 ramps and the intersection with Los Patos Way, including replacement of the Union Pacific Railroad (UPRR) Bridge, which currently has a narrow opening that requires pedestrians and bicyclists to share the roadway shoulders with vehicular traffic. The construction of these facilities will improve the walking and biking experience for those travelling to the beachway along East Cabrillo Boulevard.

The Project proposes to continue the safety enhancements and other improvements included in the U.S. 101 Widening Project. The U.S. 101 Widening Project, managed by

Caltrans, proposes to reconfigure the U.S. 101 Interchange at East Cabrillo Boulevard and enhance access for pedestrians and bicycle users under the proposed U.S. 101 undercrossing. This Project will continue those enhancements through the Project area under the new railroad bridge, connecting to the existing beachway west of the Los Patos Way/East Cabrillo Boulevard intersection.

While this Project primarily provides improved access for bikes and pedestrians, it will also address circulation and queuing impacts along the East Cabrillo corridor resulting from the U.S. 101 Widening Project, including improvements to alleviate the increased delay to the intersection of Los Patos Way and East Cabrillo Boulevard. This Project was identified as a mitigation project in the final environmental document for the U.S. 101 Widening Project. The proposed final configuration will include a dedicated right turn lane from the existing U.S. 101 southbound off-ramp onto southbound East Cabrillo Boulevard and a dedicated right turn lane for travel from northbound East Cabrillo Boulevard to the new U.S. 101 southbound on-ramp, improving the overall operations of the interchange.

The Project contains three main features:

- Replacement of the UPRR Bridge at the intersection of Cabrillo Boulevard and U.S. 101;
- Construction of a multipurpose path along the east side of Cabrillo Boulevard and under the UPRR Bridge for pedestrian and bicyclists; and
- Construction of a roundabout at the East Cabrillo Boulevard/Los Patos Way/Channel Drive intersection.

The Project will meet the goals of the City's Local Coastal Plan, the Bicycle Master Plan, Pedestrian Master Plan, and Vision Zero Strategy by ensuring safety for all road users and will eliminate a gap in the current complete streets roadway network.

Background

The approved U.S. 101 Operational Improvements Project (also known as the Milpas to Hot Springs Project) included a new tunnel adjacent to the UPRR Bridge in order to provide pedestrian and bicycle access between Coast Village Road and the beachway on Cabrillo Boulevard. The tunnel and multipurpose path components were included in the Milpas to Hot Springs Project in order to meet Local Coastal Plan policies that addressed pedestrian and bicycle coastal access across U.S. 101. Despite SBCAG's efforts to construct the tunnel, the UPRR was ultimately unwilling to allow the tunnel in its right-of-way, due to structural concerns associated with its existing bridge. UPRR expressed support for bridge replacement as an alternative.

On April 23, 2013, Council authorized a MOU with SBCAG for improvements along Cabrillo Boulevard under U.S. 101 and the UPRR Bridge to safely connect bicycle and pedestrian paths between Los Patos Way and Coast Village Road. At the same time, Council authorized the execution of a contract with HDR Engineering, Inc. (HDR), for conceptual design services required to fulfill the original MOU. The City received an approval letter from UPRR on September 26, 2015, for the concept design that was

completed by HDR, which included the replacement of the UPRR Bridge. Subsequently, the City and SBCAG agreed that the original MOU had been fulfilled, and on April 12, 2016, Council authorized a new MOU with SBCAG for design and environmental approval of the Project. The new MOU provided the contractual mechanism between SBCAG and the City, facilitating the reimbursement to the City of project costs up to \$830,000 for environmental, preliminary engineering, and up to 35 percent level plans (Phase 1) for the Project.

On August 9, 2016, Council awarded a contract with T.Y. Lin International (T.Y. Lin) in the amount of \$758,127 to complete Phase 1. The remaining \$71,873 was used to cover UPRR's review services and City staff costs to manage the Project.

On December 12, 2017, Council authorized a MOU Amendment No. 1 with SBCAG in the amount of \$1,389,752, increasing the total reimbursable amount to the City from \$830,000 to \$2,219,752. Council also awarded Professional Services Agreement No. 26,031 to T.Y. Lin for \$1,239,599 to complete Phase 2. The remaining \$150,153 was used to cover City staff costs to manage the Project.

On December 4, 2018, Council authorized a MOU Amendment No. 2 with SBCAG for \$257,248, increasing the total reimbursable amount to the City from \$2,219,752 to \$2,477,000. The increase in appropriated funds was used to cover Contract Amendment No. 1 to T.Y. Lin in the amount of \$125,000 to complete Phase 2 and begin Phase 3 of the Project. The remaining \$132,248 was used to cover City staff costs to manage the Project.

On June 25, 2019, Council authorized a MOU Amendment No. 3 with SBCAG for \$1,644,000, increasing the total reimbursable amount to the City from \$2,477,000 to \$4,121,000. Council also authorized Contract Amendment No. 2 to Contract 26,031 with T.Y. Lin for \$885,497 to complete Phase 3. The remaining \$758,503 is to cover City staff costs to manage the Project.

Current Status

The Project is in the Right of Way Phase (Phase 3) and City staff have begun finalizing the temporary construction easements, permanent right of way acquisitions, and utility relocations necessary for the construction of the Project. Construction of the roundabout is anticipated to begin summer 2021 with construction of the UPRR bridge and road widening north of the roundabout beginning spring 2026 following construction of the U.S. 101 Widening Project. The Project's roadway plans are substantially complete and the bridge plans are 65% complete.

The Project received Planning Commission approval on May 17, 2018. The Project received final design approval at the Historic Landmarks Commission on November 27, 2019. Final approval was also granted by the Parks and Recreation Commission on July 23, 2020 for the removal and replacement of impacted trees within the Project area.

Community Outreach

The Project is identified in the City's Six-Year Capital Improvement Program for Fiscal Years 2019 through 2024, under the Bicycle Master Plan and the Pedestrian Master Plan. The Project design has gone through extensive community-based participation. On May 3, 2017, a Community Informational Meeting and Open House was conducted at the Cabrillo Arts Pavilion. The event provided meeting attendees the opportunity to ask questions, view conceptual designs and a Project area map, interact with the Project Development Team, and submit written questions or comments. In advance of the Community Informational Meeting and Open House, a variety of outreach activities were conducted to maximize stakeholder engagement. Outreach activities included advertisements in local publications, fact sheet and meeting notice distribution, pop-up outreach events, and phone calls to key stakeholders.

Public participation also occurred during the various City hearings at Planning Commission, Historic Landmarks Committee, and Parks and Recreation Commission during the Project's discretionary review or permitting process. Community outreach will resume when a construction timeline has been identified and will continue throughout the construction phase.

BUDGET/FINANCIAL INFORMATION:

There are no changes to the Project funding associated with this MOU.

The following summarizes all estimated total Project costs:

ESTIMATED TOTAL PROJECT COST

Conceptual Design (by HDR)	\$99,105
Other Design Costs - City staff, Environmental (Assessments, etc.)	\$10,000
Subtotal	\$109,105
Project Approval and Environmental Document – Phase 1 (by T.Y. Lin)	\$758,127
Other Environmental Document Costs including City staff	\$71,873
Subtotal	\$830,000
65% Design Services – Phase 2 (by T.Y. Lin)	\$1,364,599
Other Design Costs including City staff	\$282,401
Subtotal	\$1,647,000
Final Design Services – Phase 3 (by T.Y. Lin)	\$885,497
Other Design Costs including City staff	\$758,503
Subtotal	\$1,644,000
Estimated Construction Contract w/Change Order Allowance	\$17,500,000
Estimated Construction Management/Inspection (by Contract)	\$1,500,000
Estimated Other Construction Costs (design support, City staff, testing, etc.)	\$400,000
Subtotal	\$19,400,000
TOTAL PROJECT COST	\$23,630,105

SUSTAINABILITY IMPACT:

The Project will improve safety and accessibility for pedestrians and bicyclists and will contribute to the City's sustainability goals by encouraging more people to walk and bike reducing energy consumption, traffic congestion, greenhouse gas emissions, and air pollution.

ENVIRONMENTAL REVIEW

The Project is subject to environmental regulations under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). As a part of the

coastal permitting for the Project, the Project was determined to qualify for exemptions under CEQA § 21080.13 (Statutory Exemption for Railroad Grade Separation), CEQA § 21080.37 (Statutory Exemption for Alteration of Existing Roadways), and CEQA § 15301(c) (Categorical Exemption for Existing Facilities). This determination was made on May 22, 2018. The Project was determined by Caltrans to have no significant impacts on the environment as defined by NEPA. The State determined on September 27, 2018, that the Project is a Categorical Exclusion under 23 CFR 771.117(c).

A copy of the MOU Amendment No. 4 may be requested from the Public Works Department for public review; please contact us at PWInfo@SantaBarbaraCA.gov to request a copy.

ATTACHMENT:	Amendment to Memorandum of Understanding
PREPARED BY:	Rob Dayton, Transportation Planning and Parking Manager Ashleigh Shue, Acting City Engineer/JWG/EG/sk
SUBMITTED BY:	Joshua Haggmark, Acting Public Works Director
APPROVED BY:	City Administrator's Office

**AMENDMENT NO. 4
TO
MEMORANDUM OF UNDERSTANDING
between
Santa Barbara County Association of Governments,
and the City of Santa Barbara**

This Amendment No. 4 to the Memorandum of Understanding (MOU) executed on March 17, 2016 between the Santa Barbara County Association of Governments (SBCAG) and the City of Santa Barbara (CITY) is entered into with the authorization of the Board of Directors of the SBCAG, and the City Council of CITY and herein referred to collectively as PARTIES.

WHEREAS, CITY has retained the services of a consultant to complete the scope of services previously defined in the MOU executed in March 2016.

WHEREAS, the Section 1 of the MOU defined the purpose and scope of improvements of the PROJECT as including the following primary features: replacement of the railroad structure over Cabrillo Boulevard, roadway improvements along Cabrillo Boulevard and operational improvements at the intersection of Los Patos Way and Cabrillo Boulevard.

WHEREAS, the CITY has completed the services outlined in Article 4 "Scope of Services" of the MOU, including CEQA and NEPA approvals, coastal development permit and 35% design.

WHEREAS, PARTIES approved AMENDMENT NO. 1 to the MOU on November 27, 2017 to continue design services up to 65%, and initiate right of way, utility and railroad coordination.

WHEREAS, PARTIES approved AMENDMENT NO. 2 to the MOU on December 11, 2018 to continue design services up to 90%, to continue right of way, utility, and railroad coordination, and to extend the MOU through December 30, 2020.

WHEREAS, PARTIES approved AMENDMENT NO. 3 to the MOU on June 11, 2019 to complete contract plans, right of way, utility relocations and railroad coordination.

WHEREAS, SBCAG and CITY wish to enter into Amendment No. 4 to the MOU to extend the term of the MOU to allow for completion of the PROJECT design and delivery to construction.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, PARTIES do mutually agree that Amendment No. 4 shall amend the MOU as follows:

1. Article 2 is deleted and replaced in its entirety as follows:

The term of this MOU is April 1, 2016 to December 31, 2023.

2. Ratifications. The terms and provisions set forth in this Amendment No. 4 shall modify and supersede all inconsistent terms and provisions set forth in the Agreement and Amendment Nos. 1, 2, and 3. The terms and provisions of the Agreement and Amendment Nos. 1, 2, and 3 except as expressly modified and superseded by this Amendment No. 4, are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding, and enforceable obligations of the parties.

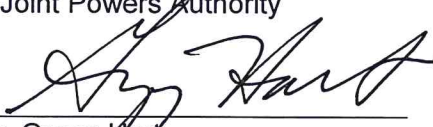
3. Counterparts. This Amendment No. 4 may be executed in several counterparts, all of which taken together shall constitute a single agreement between the parties.

This Memorandum of Understanding is entered into in Santa Barbara County by and between SBCAG, the City of Santa Barbara, and the County of Santa Barbara, and shall be effective when fully executed by the PARTIES.



SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

A Joint Powers Authority



Mr. Gregg Hart
Chair, SBCAG Board of Directors

12.17.20
Date: _____

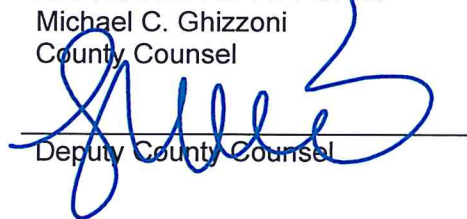
ATTEST:



Marjie Kinn
Executive Director
Clerk of the Board

APPROVED AS TO FORM:

Michael C. Ghizzoni
County Counsel



Deputy County Counsel

(Signatures continue on next page.)

This Memorandum of Understanding is entered into in Santa Barbara County by and between SBCAG, the City of Santa Barbara, and the County of Santa Barbara, and shall be effective when fully executed by the PARTIES.



CITY OF SANTA BARBARA
A Municipal Corporation

Mr. Paul Casey
City Administrator

Date:

ATTEST:

Sara Gorman
City Clerk Services Manager

APPROVED AS TO FORM:

Ariel Pierre Calonne
City Attorney



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: City Administrator's Office
City Attorney's Office

SUBJECT: Set A New Date For Public Hearing Regarding Paseo Nuevo Owners' Appeal Of The Planning Commission Denial Of The Development Agreement

RECOMMENDATION:

That Council authorize the City Clerk to postpone Paseo Nuevo Owners' appeal of the Planning Commission denial of the Development Agreement scheduled for February 2, 2021 to March 30, 2021.

DISCUSSION:

In 1989, the City entered ground leases with Santa Barbara Associates for the open-air mall, Carter-Hawley Hale Stores, Inc., (as tenant for the Ortega Building, also known as the Macy's or Broadway building) and the Nordstrom, Inc., (as tenant for the Nordstrom building).

The Planning Commission began deliberations on a proposed Development Agreement pertaining to the open-air mall ground lease on August 13, 2020 and reached a decision to deny the Development Agreement September 17, 2020. On October 13, 2020, Council set a public hearing date of December 8, 2020. On November 17, 2020, Council postponed the hearing date at the request of Paseo Nuevo Owners to February 2, 2021. Paseo Nuevo Owners have requested a further extension of the hearing date on the appeal of the Planning Commission's disapproval of the Development Agreement to March 30, 2021.

PREPARED BY: Sarah Knecht, Assistant City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Attorney's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: 2020 New Legislation Report

RECOMMENDATION:

That Council receive a written presentation from staff on important new legislation.

DISCUSSION:

We discuss 34 important California bills in the accompanying 2020 New Legislation Report (Attachment). That attachment includes hyperlinks to the bills for your use if you review it as a pdf.

Our live presentation will not necessarily follow the same order as the report, but we will identify the page and bill as we present.

ATTACHMENT: 2020 New Legislation Report

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

2020 NEW LEGISLATION REPORT



CITY ATTORNEY'S OFFICE

Ariel Calonne
City Attorney

John Doimas

Dan Hentschke

Sarah Knecht

Tava Ostrenger

Tom Shapiro

Denny Wei

Assistant City Attorneys

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INTRODUCTION AND USER GUIDE

In 2020, Governor Newsom signed 372 new laws and vetoed 56. This low volume compares to 870 new laws in 2019, with 172 vetoes. In 2019, 1217 bills were sent to the Governor; only 428 made it this year. Not surprisingly given the impacts of COVID-19 and the murder of George Floyd, public safety-related bills dominated the session. In conjunction with the League of California Cities mid-November legislative briefing, the City Attorney's Office reviewed these bills for substantive or procedural impacts on City operations. We created this report because we feel it is important for you to be aware of new laws that could affect the City.

This report provides a review of 34 new California laws that the City Attorney's Office believes are especially important to the City. We tried to balance the need to be thorough with the desire for brevity and readability. If you are aware of a bill we missed, please let us know and we will be happy to provide our analysis. In many instances, you may have better information than we do based on your connections with professional organizations and their publications, so please reach out if you have any questions at all.

We organized the report with headings that should speed up your review. This year we have two new categories, with legislation regarding Open Meetings and Labor Relations. For each bill, we identified the affected departments and your city attorney contact. We also noted whether Council, board or commission action is needed, and the action deadline. We want you to review the full text of the bills if you would like more information, so we've provided the URLs that you can click to the bill's website from this report. Finally, we've highlighted fiscal impacts to the extent we understand them -- you may have a better sense about fiscal issues than we do.

We hope you find this report informative and useful. If you have any questions or suggestions for improvements, please get in touch with your city attorney contact or me.

Respectfully Submitted,

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AB 3070 – ATTORNEY ETHICS – NO DISCRIMINATORY PEREMPTORY JURY CHALLENGES

BILL NUMBER

AB 3070

CALIFORNIA CODE REFERENCE

Code of Civil Procedure Section 237.11

DEPARTMENTS AFFECTED

City Attorney

CITY ATTORNEY CONTACTS

Ariel Calonne

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2022. This bill applies to criminal jury trials starting in January of 2022 and civil jury trials starting in January of 2026.

BILL SUMMARY

This bill tightens existing restrictions against the misuse of peremptory jury challenges to remove a prospective juror on the basis of race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or the perceived membership of the prospective juror in any of those groups. The law creates detailed procedures to guide courts in analyzing whether a challenge is based upon implicit or unconscious bias.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3070

FISCAL IMPACTS

None

AB 3364 – ATTORNEY ETHICS – IMPLICIT BIAS TRAINING

BILL NUMBER

AB 3364

CALIFORNIA CODE REFERENCE

Business and Professions Code Section 6070.5

DEPARTMENTS AFFECTED

City Attorney's Office

CITY ATTORNEY CONTACTS

Ariel Calonne

DEPARTMENTAL ACTION REQUIRED

Comply with Business and Professions Code Section 6070.5.

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 31, 2022

BILL SUMMARY

In 2019, Business and Professions Code Section 6070.5 was enacted and requires that an attorney's Mandatory Continuing Legal Education (MCLE) must contain training on implicit bias and the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics undermine confidence in the legal system. For many decades, the State Bar required continuing education on "Elimination of Bias from the Profession." This new requirement restores and strengthens the policy behind the former rules.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3364

FISCAL IMPACTS

The City currently pays the cost on MCLE for the City Attorney's Office attorneys and paralegals.

SB 1003 – CIVIL LITIGATION – SKATEBOARD PARK USE BY “OTHER WHEELED RECREATIONAL DEVICES”

BILL NUMBER

SB 1003

CALIFORNIA CODE REFERENCE

Health and Safety Code Section 115800

DEPARTMENTS AFFECTED

Parks & Recreation; Public Works; Finance

CITY ATTORNEY CONTACTS: Ariel Calonne; Tom Shapiro

DEPARTMENTAL ACTION REQUIRED

Update SBMC Chapter 15.16 to include “other wheeled recreational devices,” as defined.

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

Council action on updated ordinance.

ACTION DEADLINE

As soon as possible (law effective as an urgency measure September 28, 2020.)

BILL SUMMARY

This bill extends existing liability protections for skateboard park operators, like the City, to “other wheeled recreational devices.” A local ordinance is required to protect the City from liability arising from misuse of the City’s skateboard park for nonmotorized bicycles, scooters, inline skates, roller skates, or wheelchairs being used for recreational purposes.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1003

FISCAL IMPACTS

Cost to amend the Municipal Code and post conforming signage.

ACA 11 – FINANCE – PROPERTY TAX RELIEF FOR SENIORS AND FIRE VICTIMS

BILL NUMBER

ACA 11

CALIFORNIA CODE REFERENCE

Adds Sections 2.1, 2.2, and 2.3 to Article XIII A of the California Constitution

DEPARTMENT AFFECTED

Finance

CITY ATTORNEY CONTACT

Sarah Knecht

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

None

BILL SUMMARY

Beginning on or after April 1, 2021, an owner of a primary residence who is over 55 years of age, severely disabled, or a victim of a wildfire or natural disaster may transfer the taxable value, defined as the base year value plus inflation adjustments, of their primary residence to a replacement primary residence anywhere in the state, regardless of value of the replacement, that is purchased or newly constructed as a primary residence within 2 years of the original sale.

Beginning on or after February 16, 2021, the terms “purchase” and “change of ownership” are excluded for purposes of determining the “full cash value” of property for the purchase or transfer of a family home or family farm, as defined, of the transferor, if transferred between parents and their children or grandchildren. Requires that the property continue as the family home of the transferee. The transferee must claim the “homeowner’s exemption,” or “disabled veteran’s exemption” within one year of the transfer in order to receive property tax benefits of the family home. (In plain language, eliminates the ability of children or grandchildren that inherit income property to “step-up” the property tax base.)

Creates dedicated revenue funding source for California Fire Response Fund.

County is obligated to determine annual gains and losses from property transfers and from the revenue increases associated with the change to family member transfers. A local agency with negative gain shall be eligible for reimbursement from the County Revenue Protection Fund.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200ACA11

FISCAL IMPACTS

Provides permanent funding source for fire protection. Due to state requirement to determine fiscal impact from property tax reassessment, may have neutral effect.

AB 85 – FINANCE – USED CAR SALES TAX COLLECTION

BILL NUMBER

AB 85

CALIFORNIA CODE REFERENCE

Adds Revenue and Taxation Code Section 6285 and amends Sections 6363.9 and 6363.10

DEPARTMENT AFFECTED

Finance

CITY ATTORNEY CONTACT

Sarah Knecht

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

None

BILL SUMMARY

Requires used car dealers to remit sales tax from vehicle sales to Department of Motor Vehicles with registration fee and imposes interest and penalty for delinquent payment. The bill also extends sales and use tax exemption for infant diapers and feminine hygiene products to July 1, 2023.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB85

FISCAL IMPACTS

Projected increase in state and local revenues from used car sales tax by millions of dollars.

SB 1386 – FINANCE – FIRE HYDRANTS ARE “PROPERTY-RELATED”

BILL NUMBER

SB 1386

CALIFORNIA CODE REFERENCE

Government Code Section 53750.5

DEPARTMENTS AFFECTED

Finance; Public Works; Fire

CITY ATTORNEY CONTACTS

Dan Hentschke

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

Not Applicable

BILL SUMMARY

This bill amends the Proposition 218 Omnibus Implementation Act to clarify that fire hydrants and water for firefighting are part of property-related water service. The bill states that it is declarative of existing law. The bill supports the City's method of allocating fire hydrants and water for firefighting as a system-wide cost payable by water service customers.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1386

FISCAL IMPACTS

No direct impacts

SB 1447 – FINANCE – SMALL BUSINESS EMPLOYEE TAX CREDIT

BILL NUMBER

SB 1447

CALIFORNIA CODE REFERENCE

Adds Revenue and Taxation Code Sections 6902.7 & 6902.8, and to add and repeal Sections 17053.72 and 23627

DEPARTMENT AFFECTED

Finance

CITY ATTORNEY CONTACT

Sarah Knecht

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

None

BILL SUMMARY

This bill allows a credit against the personal and corporate income tax to certain qualified small businesses (employ 100 or fewer employees and has a 50% decrease in gross revenue in a three-month period in 2020) in an amount equal to \$1,000 for each new hire, not to exceed \$100,000 for any one business. Business may apply the tax credit against sales and use tax liability.

Note that SB 115 amends the Budget Act of 2019 and 2020 to transfer \$100 million of additional funds to the California Department of Tax and Fee Administration to cover costs and revenue losses associated with SB 1447. SB 115 also accelerates over \$100 million of additional regional planning, housing, and infill incentive account funding while providing that counties must continue to comply with COVID-19 public health orders to remain eligible for assistance.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1447

FISCAL IMPACTS

Could result in undetermined loss of sales and use tax revenue, which may be offset by SB 115 funding.

SB 1190 – HOUSING – CRIME VICTIM LEASE TERMINATION

BILL NUMBER

SB 1190

CALIFORNIA CODE REFERENCE

Civil Code Section 1946.7

DEPARTMENTS AFFECTED

Community Development Department, Housing and Human Services

CITY ATTORNEY CONTACTS

Denny Wei; Ariel Calonne

DEPARTMENTAL ACTION REQUIRED

Training regarding Civil Code Section 1946.7.

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

Extends provisions permitting a tenant to terminate a lease early, when the tenant or the tenant's household member has been a victim of a specified crime, to the situation where a tenant's immediate family member has been the victim of a specified crime, even if the family member did not live with the tenant and even if the crime occurred away from the residence. Expands the list of crimes (domestic violence, sexual assault, stalking, human trafficking, and elder abuse) to also include crime that causes bodily injury or death; crime that includes the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument; and crime that includes the use of force against the victim or a threat of force against the victim.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB1190

FISCAL IMPACTS

None

AB 2257 – LABOR RELATIONS – EMPLOYEES AND INDEPENDENT CONTRACTORS

BILL NUMBER

AB 2257

CALIFORNIA CODE REFERENCE

Labor Code Section 2750.3 (repealed); Sections 2775-2787 (amended)

DEPARTMENTS AFFECTED

Human Resources

CITY ATTORNEY CONTACTS

John Doimas

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This measure provides that public agencies may engage in bonafide business to business relationships without having the contracted business be classified as employees under the AB 5 (Gonzalez, Chapter 296, Statutes of 2019) employment test.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2257

FISCAL IMPACTS

None

SB 1159 – LABOR RELATIONS – WORKERS’ COMPENSATION COVID-19 CRITICAL WORKERS

BILL NUMBER

SB 1159

CALIFORNIA CODE REFERENCE

Labor Code Section 77.8 and Sections 3212.86-88

DEPARTMENTS AFFECTED

Human Resources; Finance

CITY ATTORNEY CONTACTS

John Doimas

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

September 17, 2020

BILL SUMMARY

This measure defines “injury” for an employee to include illness or death resulting from COVID-19 under specified circumstances, until January 1, 2023. This measure creates a disputable presumption, as specified, that the injury arose out of and in the course of the employment and is compensable, for specified dates of injury. This measure limits the applicability of the presumption under certain circumstances. This measure requires an employee to exhaust their paid sick leave benefits and meet specified certification requirements before receiving any temporary disability benefits or, for police officers, firefighters, and other specified employees, a leave of absence. This measure also makes a claim relating to a COVID-19 illness presumptively compensable, as described above, after 30 days or 45 days, rather than 90 days.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1159

FISCAL IMPACTS

None

AB 168 – LAND USE – TRIBAL CONSULTATION FOR MINISTERIAL STREAMLINED APPROVALS (SB 35)

BILL NUMBER

AB 168

CALIFORNIA CODE REFERENCE

Government Code Sections 65400 and 65913.4

DEPARTMENTS AFFECTED

Community Development Department

CITY ATTORNEY CONTACTS

Tava Ostrenger

DEPARTMENTAL ACTION REQUIRED

Update public handouts pertaining to SB 35 projects to require a preliminary application. Provide annual status of City General Plan and progress in its implementation to adopt or amend the General Plan in compliance with the obligation to consult with California Native American Tribes.

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

September 25, 2020 (Urgency Statute)

BILL SUMMARY

This bill requires that the City's annual report on its General Plan include information on City's progress in adopting or amending its General Plan in compliance with its obligations to consult with California Native American Tribes, and to identify and protect, preserve, and mitigate impacts to specified places, features, and objects, pursuant to specified law.

This bill also requires that applicants submitting an application for streamlined ministerial approval of a housing development under SB 35 (Wiener 2017) must submit a preliminary application. After the City receives the application, it must provide notice to each Native American Tribe that is traditionally and culturally affiliated with the geographic area of the proposed housing development. A project will not be eligible for streamlined approval if 1) the site of the proposed development is a tribal cultural resource that is on a national, state, tribal, or local historic register; 2) the City and the Native American Tribe do not agree that no potential tribal cultural resource affects the proposed development; or 3) the City and the Native

American Tribe find that the potential tribal cultural resource could be affected by the proposed development and the parties do not document an enforceable agreement regarding the methods, measures, and conditions for treatment of the cultural resources.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB168

FISCAL IMPACTS

None

AB 831 – LAND USE – AMENDMENTS TO MINISTERIAL STREAMLINED APPROVALS

BILL NUMBER

AB 831

CALIFORNIA CODE REFERENCE

Government Code Section 65913.4

DEPARTMENTS AFFECTED

Community Development Department

CITY ATTORNEY CONTACTS

Tava Ostrenger

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

September 28, 2020 (Urgency effective immediately)

BILL SUMMARY

This bill allows a developer to modify a project approved as a streamlined ministerial project (SB 35 Wiener 2017) prior to issuance of a final building permit so long as the project as revised meets all objective zoning and design standards. The bill also specifies how the City must approve public improvements provided in conjunction with the project.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB831

FISCAL IMPACTS

None

AB 1561 – LAND USE – HOUSING ELEMENT AND ENTITLEMENT EXTENSIONS

BILL NUMBER

AB 1561

CALIFORNIA CODE REFERENCE

Government Code Sections 65583 and 65914.5

DEPARTMENTS AFFECTED

Community Development Department

CITY ATTORNEY CONTACTS

Tava Ostrenger

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

In order to address the impacts and potential delays to housing development created by COVID-19, this bill adds Government Code Section 65914.5 to extend by 18 months the period for the expiration, effectuation, or utilization of a housing entitlement, as defined, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021, except as specified. The bill would also provide that if the state or a local agency extends, on or after March 4, 2020, but before the effective date of the bill, the otherwise applicable time for the expiration, effectuation, or utilization of a housing entitlement for not less than 18 months and pursuant to the same conditions provided by this bill, that housing entitlement shall not be extended an additional 18 months pursuant to this bill. This bill clarifies that nothing in these provisions is intended to preclude a local government from exercising its existing authority to provide an extension to an entitlement. By adding to the duties of local officials with respect to housing entitlements, this bill would impose a state-mandated local program.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1561

FISCAL IMPACTS

None

AB 2345 – LAND USE – DENSITY BONUS AMENDMENTS

BILL NUMBER

AB 2345

CALIFORNIA CODE REFERENCE

Government Code Sections 65400 and 65915

DEPARTMENTS AFFECTED

Community Development Department

CITY ATTORNEY CONTACTS

Tava Ostrenger

DEPARTMENTAL ACTION REQUIRED

Update public handouts pertaining to State Density Bonus to reflect increase in the maximum allowable density and the number of incentive and concessions available.

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This bill revises State Density Bonus Law to increase the maximum allowable density and the number of concessions and incentives a developer can seek. This bill also requires that the City's annual General Plan report include information regarding density bonuses granted.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2345

FISCAL IMPACTS

None

SB 940 – LAND USE – BANKING INCREASED DENSITY FOR FUTURE NO NET LOSS

BILL NUMBER

SB 940

CALIFORNIA CODE REFERENCE

Government Code Section 66300

DEPARTMENTS AFFECTED

Community Development Department

CITY ATTORNEY CONTACTS

Tava Ostrenger

DEPARTMENTAL ACTION REQUIRED

Remove priority overlay from Milpas corridor and historic districts as part of AUD amendments.

COUNCIL, BOARD, OR COMMISSION ACTION REQUIRED

Staff will bring forward Council's requested AUD amendments.

ACTION DEADLINE

July 2021

BILL SUMMARY

The Housing Crisis Act of 2019 prohibits the City from enacting a development policy, standard, or condition that would change the general plan land use or zoning of a parcel or parcels to a less intensive use than what was allowed under the land use designation and zoning ordinances in effect on January 1, 2018, unless the City concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity. This bill authorized the City of San Jose to proactively change a zoning ordinance to a more intensive use and use the added capacity to subsequently change a zoning ordinance applicable to an eligible parcel to a less intensive use as long as there is no net loss in residential capacity within one year of the zoning change to a less intensive use. While this exception is specific to the City of San Jose, it does lend support to the City's argument that the amendments to the City's AUD program that added Priority Housing Overlay to the Central Business Districts could be "banked" for one year while additional amendments are drafted to remove priority overlay from the Milpas corridor and historic districts.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB940

FISCAL IMPACTS

None

AB 992 – OPEN MEETINGS – LIMITED SOCIAL MEDIA USE ALLOWED

BILL NUMBER

AB 992

CALIFORNIA CODE REFERENCE

Government Code Section 54952.2

DEPARTMENTS AFFECTED

City Clerk, City Council, Boards and Commissions

CITY ATTORNEY CONTACTS

Dan Hentschke

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

Bill sunsets January 1, 2026

BILL SUMMARY

This bill amends the Brown Act to allow members of local legislative bodies to use internet-based social media platforms that are “open and accessible to the public” to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.

“Open and accessible to the public” means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

The prohibition against discussion among a majority of a body remains in force. Specifically relating to social media, members are prohibited from responding directly to any communication on a platform regarding a matter of City business that is made, posted, or shared by any other member of the legislative body.

BILL URL

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB992

FISCAL IMPACTS

None

AB 846 – PUBLIC SAFETY – PEACE OFFICER STANDARDS TO INCLUDE BIAS EVALUATIONS

BILL NUMBER

AB 846

CALIFORNIA CODE REFERENCE

Amends Government Code Section 1031

DEPARTMENTS AFFECTED

Police

CITY ATTORNEY CONTACTS

John Doimas

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2022

BILL SUMMARY

Existing law requires the Commission on Peace Officer Standards and Training to establish minimum standards for peace officers, including evaluation by a physician and surgeon or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer. This bill requires the evaluation to include bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. This bill also requires every law enforcement agency that employs peace officers to review and change the job descriptions used in the recruitment and hiring process to de-emphasize the paramilitary aspects of the job and place more emphasis on community interaction and collaborative problem solving.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB846

FISCAL IMPACTS

None

AB 1196 – PUBLIC SAFETY – CHOKE HOLDS BANNED

BILL NUMBER

AB 1196

CALIFORNIA CODE REFERENCE

Government Code Section 7286.5

DEPARTMENTS AFFECTED

Police Department

CITY ATTORNEY CONTACTS

Denny Wei; John Doimas

DEPARTMENTAL ACTION REQUIRED

Training regarding Government Code Section 7286.5.

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

Prohibits a law enforcement agency from authorizing the use of a carotid restraint or choke hold by any peace officer employed by the agency. Santa Barbara has already implemented this policy.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1196

FISCAL IMPACTS

None

AB 1506 – PUBLIC SAFETY – STATE REVIEW OF POLICE USE OF FORCE

BILL NUMBER

AB 1506

CALIFORNIA CODE REFERENCE

Adds Government Code Section 12525.3

DEPARTMENTS AFFECTED

Police

CITY ATTORNEY CONTACTS

John Doimas; Tom Shapiro

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

July 1, 2023

BILL SUMMARY

This bill creates a new Department of Justice division to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations beginning July 1, 2023. This measure also requires a state prosecutor to conduct an investigation of any officer-involved shooting that resulted in the death of an unarmed civilian. For each investigation, the state prosecutor must prepare a written report including a statement of facts, a detailed analysis and conclusion, recommendations to modify the policies and practices of the law enforcement agency (if necessary), and if criminal charges against the involved officer are found to be warranted, initiate and prosecute a criminal action against the officer. These reports must be posted on a public internet website.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1506

FISCAL IMPACTS

Undetermined but potentially substantial.

AB 1950 – PUBLIC SAFETY – SHORTER PROBATION FOR MISDEMEANORS

BILL NUMBER

AB 1950

CALIFORNIA CODE REFERENCE

Penal Code Section 1203a

DEPARTMENTS AFFECTED

City Attorney's Office; Police Department

CITY ATTORNEY CONTACTS

Denny Wei

DEPARTMENTAL ACTION REQUIRED

Training regarding Penal Code Section 1203a

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This bill limits the maximum period of probation for most misdemeanor crimes to one year. It also eliminates a court's power to impose a probation period that is as long as the defendant's maximum jail term.

Previously, the default maximum period of probation for most misdemeanor crime was three years. Courts also had the power to impose a probation period that was as long as the defendant's maximum jail sentence.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1950

FISCAL IMPACTS

None

AB 2152 – PUBLIC SAFETY – PROHIBITION ON RETAIL SALE OF DOGS, CATS, AND RABBITS

BILL NUMBER

AB 2152

CALIFORNIA CODE REFERENCE

Health and Safety Code Section 122354.5

DEPARTMENTS AFFECTED

Police Department, Animal Control

CITY ATTORNEY CONTACTS

Denny Wei

DEPARTMENTAL ACTION REQUIRED

Training regarding Health and Safety Code Section 122354.5

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This bill prohibits a pet store from adopting out, selling, or offering for sale, a dog, cat, or rabbit. However, a pet store is permitted to provide space to a public animal control agency or shelter, or to an animal rescue group to make dogs, cats, or rabbits available for adoption.

Previously, the law prohibited a pet store from selling a dog, cat or rabbit unless the animal was obtained from a public animal control agency or shelter, a society for the prevention of cruelty to animal shelter, a humane society shelter, or a rescue group. Now, a pet store is prohibited from adopting out or selling a dog, cat, or rabbit, regardless of where it was obtained.

This bill also prohibits a pet store from receiving any fees in connection with dogs, cats, or rabbits that are displayed for adoption by a public animal control agency or shelter, or by an animal rescue group. It also requires that the animals be sterilized and limits total adoption fees to no more than \$500.

The bill provides that any violation of this section will result in a written notice to the pet store and to the group responsible for the animal. Failure to correct the violation within the time

specified in the written notice is punishable by a civil penalty of \$1,000 for the first violation, \$2,500 for a second violation, and \$5,000 for subsequent violation. Each animal displayed, adopted, sold, or offered for sale or adoption in violation of the law constitutes a separate violation.

The bill authorizes a district attorney or city attorney to bring an action for violation.

BILL URL

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2152

FISCAL IMPACTS

None

AB 2425 – PUBLIC SAFETY – JUVENILE POLICE RECORDS

BILL NUMBER

AB 2425

CALIFORNIA CODE REFERENCE

Welfare and Institutions Code Section 827.95

DEPARTMENTS AFFECTED

Police Department

CITY ATTORNEY CONTACTS

Denny Wei

DEPARTMENTAL ACTION REQUIRED

Training regarding Welfare and Institutions Code Section 827.95

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

New Welfare and Institutions Code Section 827.95 prohibits law enforcement agencies from releasing juvenile police records if the subject of the record is a minor who:

1. Has been diverted by police officers from arrest, citation, detention, or referral to the probation department or the district attorney, and who is currently participating in a diversion program or has satisfactorily completed a diversion program;
2. Has been counseled and released by police officers without an arrest, citation, detention, or referral to the probation department or the district attorney, and from whom no referral to the probation department has been made within 60 days of release;
3. Does not fall within the jurisdiction of the juvenile delinquency court under current state law.

Section 827.95 also requires a law enforcement agency to release a copy of the juvenile police record to the minor who is the subject of the record or to the minor's parent or guardian, if identifying information pertaining to any other juvenile is removed.

Section 827.95 provides that if the minor is a dependent of the juvenile court, the law enforcement agency must notify the minor's social worker about the record sealing and instruct the social worker about the record sealing and instruct the social worker to seal his or her own records regarding the law enforcement agency contact.

Section 827.95 requires the law enforcement agency to notify the minor that his or her record has been sealed or that it is not eligible for sealing.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2425

FISCAL IMPACTS

None

AB 2542 – PUBLIC SAFETY – CALIFORNIA RACIAL JUSTICE ACT OF 2020

BILL NUMBER

AB 2542

CALIFORNIA CODE REFERENCE

Penal Code Section 745

DEPARTMENTS AFFECTED

City Attorney's Office

CITY ATTORNEY CONTACTS

Denny Wei; Ariel Calonne

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

The California Racial Justice Act of 2020 prohibits a district attorney, a city prosecutor, or the Attorney General from seeking or obtaining a criminal conviction, or seeking, obtaining, or imposing a sentence on the basis of race, ethnicity, or national origins. This act provides that a defendant may establish a violation by a preponderance of the evidence. The act also permits the defense to file a motion requesting discovery. The defense may seek disclosure of all evidence relevant to a potential violation of this act in the possession of the state.

BILL URL

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2542

FISCAL IMPACTS

None

**AB 2617 – PUBLIC SAFETY – TEMPORARY EMERGENCY GUN VIOLENCE
RESTRAINING ORDERS**

BILL NUMBER

AB 2617

CALIFORNIA CODE REFERENCE

Penal Code Section 18140

DEPARTMENTS AFFECTED

Police Department

CITY ATTORNEY CONTACTS

Denny Wei

DEPARTMENTAL ACTION REQUIRED

Training regarding Penal Code Section 18140

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This bill requires a law enforcement officer who requests a temporary gun violence restraining order to file a copy of the order with the Court no later than three court days after issuance. Previously, a copy of the order had to be filed, but only as soon as practicable. Now it must be filed as soon as practicable, but no later than three court days after issuance.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2617

FISCAL IMPACTS

None

**AB 2655 – PUBLIC SAFETY – UNLAWFUL FIRST RESPONDER PHOTOS OF
DECEASED PERSONS**

BILL NUMBER

AB 2655

CALIFORNIA CODE REFERENCE

Penal Code Section 647.9

DEPARTMENTS AFFECTED

Police; Fire

CITY ATTORNEY CONTACTS

Denny Wei; John Doimas

DEPARTMENTAL ACTION REQUIRED

Advise first responders of Penal Code section 647.9; consider policy changes.

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This bill creates the new misdemeanor crime of a first responder photographing a deceased person at the scene of an accident or crime for any purpose other than an official law enforcement purpose or a genuine public interest. It requires every agency that employs first responders to advise them about this prohibition on January 1, 2021. The bill also amends Penal Code Section 1524 to permit a search warrant to be obtained to seize evidence tending to show that a violation of Penal Code Section 647.9 has occurred.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2655

FISCAL IMPACTS

None

AB 2717 – PUBLIC SAFETY – EMERGENCY RESCUE OF YOUNG CHILDREN FROM VEHICLES

BILL NUMBER

AB 2717

CALIFORNIA CODE REFERENCE

Health and Safety Code Section 1799.101 and Civil Code Section 43.102

DEPARTMENTS AFFECTED

Police Department and Fire Department

CITY ATTORNEY CONTACTS

Denny Wei; John Doimas

DEPARTMENTAL ACTION REQUIRED

Training regarding Health and Safety Code Section 1799.101

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This bill sets forth procedures for peace officers, firefighters, and emergency responders who rescue a child ages six or younger from a motor vehicle. It also provides immunity from criminal and civil liability for a Good Samaritan civilian who rescues a child age six or younger from a motor vehicle under specified circumstances.

New Health and Safety Code Section 1799.101 (b) states that it does not prevent a peace officer, firefighter, or emergency responder from removing a child from a motor vehicle if the child is in immediate danger and permits a first responder to take all steps reasonably necessary to remove a child, including breaking in, after reasonable effort to locate the vehicle owner. It requires first responders who remove a child from a vehicle or take possession of an already-removed child to arrange for treatment and transportation of the child according to the medical control policies of the local EMS (emergency medical service) agency. It provides that the parent of a child removed from a vehicle may be required to pay for the medical treatment. It requires a first responder to leave written notice on the vehicle with the name and office of the first responder and the address the child will be treated.

BILL URL

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2717

FISCAL IMPACTS

None

AB 3234 – PUBLIC SAFETY – COURT INITIATED MISDEMEANOR DIVERSION

BILL NUMBER

AB 3234

CALIFORNIA CODE REFERENCE

Penal Code Sections 1001.95, 1001.96, and 1001.97

DEPARTMENTS AFFECTED

City Attorney's Office

CITY ATTORNEY CONTACTS

Denny Wei

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

Entitled "Court Initiated Misdemeanor Diversion," this bill authorizes a judge to use his or her discretion to offer diversion to a misdemeanor defendant over the objection of the prosecution.

BILL URL

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3234

FISCAL IMPACTS

None

SB 67 – PUBLIC SAFETY – APPELLATIONS OF ORIGIN FOR CANNABIS MARKETING

BILL NUMBER

SB 67

CALIFORNIA CODE REFERENCE

Business & Professions Code Section 26063

DEPARTMENTS AFFECTED

City Administrator's Office

CITY ATTORNEY CONTACTS

Tava Ostrenger

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD, OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

None

BILL SUMMARY

This bill prohibits cannabis cultivators from advertising their cannabis as being grown in a particular city or county unless 100% of the cannabis was grown in that city or county. The bill also requires the state to facilitate creation of appellations of origin for cannabis produced in certain geographical areas of California, instead of by county.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB67

FISCAL IMPACTS

None

SB 203 – PUBLIC SAFETY – CUSTODIAL INTERROGATION OF MINORS

BILL NUMBER

SB 203

CALIFORNIA CODE REFERENCE

Welfare and Institutions Code Section 625.6

DEPARTMENTS AFFECTED

Police Department

CITY ATTORNEY CONTACTS

Denny Wei

DEPARTMENTAL ACTION REQUIRED

Training regarding Welfare and Institutions Code Section 625.6

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

Expands the prohibition on custodial interrogation of a minor without the minor first consulting with legal counsel by raising the age of the minor from 15 years of age or younger to 17 years of age or younger. Therefore, this section now applies to all minors, and no minor may undergo custodial interrogation or waive *Miranda* rights without first consulting with legal counsel in person, by telephone, or by video conference. The section continues to provide that the consultation cannot be waived.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB203

FISCAL IMPACTS

None

SB 573 – PUBLIC SAFETY – MICROCHIPPING DOGS AND CATS

BILL NUMBER

SB 573

CALIFORNIA CODE REFERENCE

Food and Agricultural Code Sections 31108.3 and 31752.1

DEPARTMENTS AFFECTED

Police Department -- Animal Control

CITY ATTORNEY CONTACTS

Denny Wei

DEPARTMENTAL ACTION REQUIRED

Training regarding the requirements of Food and Agricultural Code Sections 31108.3 and 31752.1

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This bill requires a public animal control agency or shelter, a society for the prevention of cruelty to animals shelter, a humane society shelter, or a rescue group to do one of two things before releasing a dog or cat to an owner reclaiming it, or to a new owner adopting or buying it:

1. Microchip the animal with current information on the owner; or
2. If the agency, shelter, or group does not have microchipping capability on location, obtain an agreement from the reclaiming or new owner that proof of microchipping will be presented within 30 days to the agency, shelter, or group.

Food and Agricultural Code Section 31108.3 applies to dogs and Section 31752.1 applies to cats.

The bill provides that microchipping is not required if a licensed veterinarian certifies in writing that the dog or cat is medically unfit for the microchipping procedure because it has a physical condition that would be substantially aggravated by the procedure. It also provides that

microchipping is not required if the reclaiming or new owner signs a form stating that the cost of microchipping would impose an economic hardship on the owner.

The bill also provides that beginning January 1, 2022, an agency, shelter, or group that violates this section is subject to a civil penalty of \$100.

BILL URL

http://www.leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB573

FISCAL IMPACTS

None

SB 793 – PUBLIC SAFETY – SALE OF FLAVORED TOBACCO PRODUCTS

BILL NUMBER

SB 793

CALIFORNIA CODE REFERENCE

Health and Safety Code Section 104559.5

DEPARTMENTS AFFECTED

Police Department; City Administrator's Office

CITY ATTORNEY CONTACTS

Denny Wei; John Doimas

DEPARTMENTAL ACTION REQUIRED

Training regarding Health and Safety Code Section 104559.5

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2021

BILL SUMMARY

This bill creates a new infraction crime of a tobacco retailer or a tobacco retailer's employee or agent, selling, offering for sale, or possessing with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer (to a person of any age). A violation is punishable by a fine of \$250 for each violation.

BILL URL

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB793

FISCAL IMPACTS

None

SB 1044 – PUBLIC SAFETY – PROHIBITION ON THE USE OF PFAS CHEMICALS

BILL NUMBER

SB 1044

CALIFORNIA CODE REFERENCE

Health & Safety Code Sections 13029, 13061, and 13062

DEPARTMENTS AFFECTED

Airport; Fire

CITY ATTORNEY CONTACTS

Tava Ostrenger

DEPARTMENTAL ACTION REQUIRED

Fire Department and Airport Department, to the extent possible and where no waiver can be granted by the State Fire Marshal, need to transition to the use of fire class B firefighting foam that does not contain PFAS by January 1, 2022.

COUNCIL, BOARD, OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

January 1, 2022

BILL SUMMARY

This bill, commencing January 1, 2022, requires any manufacturer that sells firefighter personal protective equipment containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) to provide a written notice to the City that the equipment contains PFAS. The bill requires the manufacturer and the City to retain a copy on file for at least 3 years. Commencing January 1, 2022 this bill will prohibit the manufacturer of Class B firefighting foam from manufacturing or selling Class B firefighting foam containing intentionally added PFAS chemicals, unless use of PFAS is required by federal law or another exception as outlined by the statute applies, and State Fire Marshal approves a waiver. Additionally, commencing January 1, 2022 Class B firefighting foam that contains intentionally added PFAS chemicals for training purposes is prohibited.

BILL URL

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1044

FISCAL IMPACTS

Cost to transition to class B firefighting foam that does not contain PFAS.

AB 2421 – PUBLIC WORKS – WIRELESS COMMUNICATIONS & EMERGENCY STANDBY GENERATORS

BILL NUMBER

AB 2421

CALIFORNIA CODE REFERENCE

Government Code Section 65850.75

DEPARTMENTS AFFECTED

Public Works

CITY ATTORNEY CONTACTS

John Doimas

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

September 29, 2020 and sunsets January 1, 2024

BILL SUMMARY

This bill requires a streamlined local permitting process for siting back-up power generators on macro cell tower sites through January 1, 2024. Siting an emergency standby generator proposed at an existing permitted macro cell tower site is subject only to a ministerial permitting process. Additionally, the City has only 60 days to approve or deny a permit application to install an emergency standby generator, or the application will be deemed approved. Local agencies can also revoke a permit or approval status for an emergency standby generator that is determined to violate state or local laws or regulations, including building and fire safety codes.

BILL URL

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2421

FISCAL IMPACTS

Substantial administrative costs to develop local processes.

SB 288 – TRANSPORTATION – CEQA

BILL NUMBER

SB 288

CALIFORNIA CODE REFERENCE

Public Resources Code Sections 21080.20, 21080.25

DEPARTMENTS AFFECTED

Community Development; Public Works

CITY ATTORNEY CONTACTS

Dan Hentschke

DEPARTMENTAL ACTION REQUIRED

None

COUNCIL, BOARD OR COMMISSION ACTION REQUIRED

None

ACTION DEADLINE

Not Applicable

BILL SUMMARY

This bill extends and simplifies the existing CEQA statutory exemption for bicycle transportation plans and certain related actions. The bill also adds a new CEQA exemption for certain transit projects, like bus rapid transit or light rail. It also exempts transit prioritization projects, projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians, projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission transit buses, projects carried out by a city or county to reduce minimum parking requirements, and projects for pedestrian and bicycle facilities.

BILL URL

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB288

FISCAL IMPACTS

No direct impacts.





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Water Supply Update And Annual Water Supply Management Report

RECOMMENDATION: That Council:

- A. Receive an update on the Stage 1 Water Supply Condition and 3-year Water Supply Outlook; and
- B. Approve and adopt the City of Santa Barbara's Annual Water Supply Management Report for Water Year 2020, finding that the groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

EXECUTIVE SUMMARY:

This water supply update provides an overview of the City's water supplies at the beginning of Water Year 2021, and includes an analysis and conclusion that the City's available water supplies are sufficient to meet demands over the next three years. This report also provides a summary of the 2020 Annual Water Supply Management Report (WSMR), which is a backward-looking document that summarizes water supplies and issues for Water Year 2020, which extended from October 1, 2019 to September 30, 2020. The report fulfills a mitigation requirement for the Coastal Branch of the State Water Project to manage water supplies in a manner that prevents long-term overdraft of local groundwater supplies.

DISCUSSION:

Water Supply Update

Water Year 2021 began on October 1, 2020. Santa Barbara typically receives most of its rainfall from January through March. At the start of each new water year, staff updates the City's water supply planning charts to reflect actual water used during the previous water year (in this case, October 1, 2019 – through September 30, 2020) and extends the supply strategy one additional year for drought planning purposes. Thus, this supply strategy extends through Water Year 2023.

Updates to the City's water supply planning strategy are conservative. The updates assume hydrological conditions similar to actual conditions during the most recent drought, in which there was little to no rainfall for three years, resulting in no inflows into both Lake Cachuma and Gibraltar Reservoir. Under this assumed scenario, Lake Cachuma is 74 percent full, and the City receives 100 percent of its Cachuma allotment in Water Year 2021, a 50 percent allocation in Water Year 2022, and a 50 percent allocation in Water Year 2023. It is also assumes that there are drought conditions statewide, which reduce the State Water Project (SWP) water allocation to 35 percent in Water Years 2020 through 2022. This conservative planning approach allows staff to evaluate if the City has sufficient water to meet demands under three additional years of drought.

The recent update to the City's water supply planning strategy demonstrates that, even under drought conditions, the City's water demands, including the additional amounts committed under the long-term water supply agreement with the Montecito Water District, can be met through Water Year 2023 using a combination of water from Lake Cachuma, Gibraltar Reservoir, Mission Tunnel infiltration, desalination, and recycled water. If the next three years are drought years, the Water Resources Manager may decide to begin using the City's drought supplies, including groundwater and State Water Project (SWP) water in Water Year 2023 to preserve Cachuma supplies in preparation for continued drought conditions. However, the City does have enough carryover water in Lake Cachuma to supply customer demands through Water Year 2023 without the use of SWP water or groundwater. There will be no need to expand the capacity of the Charles E. Meyer Desalination Plant (Desalination Plant) over this period. Overall, the City is well situated to meet water demands for the next three years even under drought conditions, as recent management decisions have resulted in a significant amount of City-allocated water stored in Lake Cachuma.

The supply planning update conservatively assumes that the community will continue to conserve at a rate of 25 percent of pre-drought (2013) demands of 13,765 acre-feet/year (AFY). The current 12-month running average water conservation reduction is 27 percent, as compared to 2013 water demands. Water Supply and Community Development staff recently developed a new baseline demand projection and a "demand envelope," or a range of potential future water demands out to 2050, based on the latest population, housing, and economic data available. The demand assumptions in this supply planning update are congruent with the new baseline demand projections. Water Supply staff will be tracking demands against this envelope. Water demands are notoriously difficult to project because they are largely dependent upon human behavior and permanent water conservation measures made by customers during droughts, such as installing drought-tolerant landscaping and efficient water fixtures.

The most recent supply planning update considers if the City has sufficient surplus water supplies to meet the conditions of the recently executed Water Supply Agreement with the Montecito Water District (MWD). Beginning in January 2022, the City will be responsible for supplying MWD with 1,430 acre-feet (AF) of water annually. In addition, the new supply planning update includes the potential sale of up to 100 AFY of recycled

water to La Cumbre Mutual Water Company (LCMWC) beginning in the spring of 2022. Planning results demonstrate that the City has sufficient surplus water supplies to meet both City demands as well as the additional potable demand for MWD and the additional recycled water demand for LCMWC over the next three years.

While the supply planning update demonstrates the City has sufficient water supplies to meet both City, MWD, and LCMWC demands, even with persistent drought conditions over the next three years, staff recommends that the City remain in the Stage One Water Supply Condition. The City relied heavily on its groundwater and supplemental water purchases for several years during the recent drought. Currently, the Foothill Groundwater Basin is at historic low levels and the Santa Barbara Groundwater Basin (Storage Unit 1) shows signs of seawater intrusion because of prolonged pumping. Both basins are showing signs of recovery, but it is estimated they will still need approximately five years to return to pre-drought conditions. The City was successful in acquiring supplemental water via the SWP system to meet demands during the drought. However, the supplemental water purchases required a portion of that water to be returned. The City still has an outstanding water debt of 2,000 AF of water. The strategy in the coming years is to rest the groundwater basins to allow them to recover naturally and to continue paying down water debt by using a portion of the City's state water allocations. The City will use its other water supplies to meet demands, including desalinated water and continued water conservation measures. Staff will reassess the water supply strategy in the spring of 2021 following the rainy season to determine if continuation of the Stage One Water Supply Condition is warranted.

Annual Water Supply Management Report

The Annual Water Supply Management Report (WSMR) summarizes activities of the past water year (October 2019 – September 2020). The WSMR fulfills a mitigation requirement of the Coastal Branch of the State Water Project for managing water supplies to prevent long-term overdraft of local groundwater. City staff also uses the WSMR to inform Council and the public of recent activities and current water supply conditions. Summarized below are key issues in the WSMR for each City water supply.

Long-Term Water Supply Plan/Enhanced Urban Water Conservation Master Plan

The 2011 Long-Term Water Supply Plan (LTWSP) has been the primary technical and policy document used to guide the City's water supply management over the next 20 years. The LTWSP also serves as the basis for the City's state-mandated Urban Water Management Plan (UWMP), which is required to be updated every five years. The most recent UWMP Update was adopted by Council in June 2016, and submitted to the state in July 2016.

The City recently experienced the most severe and long-lasting drought on record, exceeding the "design drought" used in the 2011 LTWSP analysis. Additionally, several risks and uncertainties have the potential to affect the availability of the City's current water supplies (discussed later in this report). As a result, the City is reassessing the adequacy, reliability, and cost of its water supplies with respect to these issues, and will

integrate the LTWSP into the 2020 UWMP Update to create one comprehensive water supply planning report, referred to as the Enhanced Urban Water Management Plan (EUWMP). The EUWMP project, branded as “Water Vision Santa Barbara”, will evaluate future water supply portfolios on financial, environmental, and social criteria, and includes a transparent community engagement process. For more information on the EUWMP, including draft technical memorandums summarizing the analyses performed to date, please visit the project’s webpage: SantaBarbaraCA.gov/WaterVision.

Lake Cachuma

Lake Cachuma is one of the most important indicators of the City’s water supply status, and ended the water year on September 30, 2020 at 74 percent of its capacity. As a result, the City and other Cachuma Member Units will begin Water Year 2021 with 100 percent allocation of Cachuma water rights, which for the City is 8,277 acre-feet. Key issues for Lake Cachuma are the Cachuma Project State Water Rights Order, Cachuma Project Biological Opinion, and Cachuma Contract 2020. For a complete description of each issue, please refer to the attached Draft WSMR.

Gibraltar Reservoir

Gibraltar Reservoir filled and spilled in March 2020 and, over the course of the year, the City received 4,335 acre-feet of water from Gibraltar. By the end of the water year, Gibraltar was at 37 percent of capacity, with water diversions to the City continuing into the new water year. Siltation related to the 2007 Zaca Fire, the 2016 Rey fire, and the 2017 Thomas Fire has resulted in a significant reduction in storage capacity at Gibraltar Reservoir. A bathymetric survey performed in June 2020 indicates Gibraltar has a maximum storage capacity of 4,559 acre-feet, which is approximately one-third of its original capacity. The continued reduction in storage capacity was the impetus for initiating the “Pass Through” option under the 1989 Upper Santa Ynez River Operations Agreement.

Groundwater

The City’s practice is to conjunctively use its groundwater basins such that pumping is increased during droughts when surface water is limited. In response to the recent unprecedented drought, increased groundwater pumping in Water Years 2015 through 2018 provided a critical water supply for the City. Since the rain events that began in the spring 2017, the City has been able to rest its groundwater basins, and has relied more on surface water supplies and desalinated water. At the beginning of Water Year 2020, 22 acre-feet of groundwater was produced during regular maintenance of the wells. Since then, the wells have been taken out of service. It is estimated that it will take at least five years for the City’s groundwater storage to recover from the recent drought. Based on the remaining estimated yields of the basins, groundwater resources are in long-term balance, and groundwater production does not exceed estimated basin yield. The City has factored this into its water supply planning and does not plan to use groundwater supplies that exceed the estimated remaining yield. This practice will ensure groundwater

resources are kept in long-term balance. The City also continues to monitor groundwater levels and water quality for seawater intrusion.

State Water Project

The City receives imported water from the SWP through the Central Coast Water Authority, a joint-powers authority formed in 1991 to finance, construct, manage, and operate regional treatment and conveyance facilities that deliver state water to its member agencies, including the City. The 2020 SWP allocation was 20 percent of Table A contract amounts, which is 660 acre-feet for the City. The City did not use any SWP water to supply its customers in Water Year 2020; however, it did exchange 387 acre-feet of SWP water for Cachuma allocation with the Santa Ynez River Water Conservation District, Improvement District No. 1, pursuant to the Exchange Agreement. Key issues for the SWP include the Delta Conveyance Project, State Water Contract Assignment, and State Water Storage Programs. For a complete description of each issue, please refer to the attached draft WSMR.

Desalination

In response to the severity of the recent drought, the City reactivated the Desalination Plant in 2017 with a capacity of 3,125 AFY. The plant is owned by the City, but operated under a contract with IDE Americas, who delivered 2,749 acre-feet of desalinated water to the City's water system in 2020. Per the adopted 2011 LTWSP, the Desalination Plant serves as a drought relief/recovery measure. With local groundwater supplies still recovering, desalinated water was used as an alternative supply to groundwater. With the significant investment made to reactivate the Desalination Plant, the long-term role of this supply is currently being evaluated in the water supply planning effort for the 2020 EUWMP.

Recycled Water

The City's upgraded recycled water filtration plant went online on November 2, 2015, replacing the previous filtration plant constructed in 1989. The goal of this project was to eliminate or significantly reduce the need to use potable water for blending to meet Title 22 water quality requirements. In 2020, the City supplied recycled water customers with 739 acre-feet of water and 31 acre-feet of potable blend water, marking a continued significant reduction in potable water use because of the project.

Water Conservation

In accordance with the 2011 LTWSP, the City's Water Conservation Program is operated to minimize the use of potable water supplies, meet the requirements of the California Water Efficiency Partnership Best Management Practices, and achieve compliance with the State's 20 percent by 2020 per-capita water use reductions. Water conservation measures are evaluated for cost effectiveness based on the avoided cost of additional water supplies. The City recently updated its Water Conservation Strategic Plan, including its adopted conservation measures and programs. In Water Year 2020, City customers

continued extraordinary levels of water conservation. This resulted in a 12-month average reduction of 27 percent, as compared to 2013 water demands.

Supply Summary

Total water supply produced in Water Year 2020 was 11,044 acre-feet, with 93 gallons used per person per day. Production and usage was down overall for the year, as the City continued to respond to water supply conditions from the prolonged drought and on-going pandemic. Water conservation remains strong amongst customers with total demand for water in 2020, being comparable to demands in the late 1950s and early 1960s.

SUSTAINABILITY IMPACT:

Sufficient and well-managed water supplies are essential for sustaining the City. The City's groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Long-Term Water Supply Plan.

ENVIRONMENTAL REVIEW:

Receiving water supply and condition updates, and approving and adopting a water supply management report are exempt from the California Environmental Quality Act (CEQA) review.

WATER COMMISSION RECOMMENDATION

This item was presented to the Water Commission at its meeting on December 17, 2020, and the Commission voted 4-0 in support of staff's recommendations.

A copy of the report may be requested from the Public Works Department for public review, please contact us at PWInfo@SantaBarbaraCA.gov to request a copy.

ATTACHMENTS: 2020 Draft Water Supply Management Report

PREPARED BY: Catherine Taylor, Water Supply and Services Manager/DC/rb

SUBMITTED BY: Joshua Haggmark, Acting Public Works Director

APPROVED BY: City Administrator's Office



City of Santa Barbara

Draft Water Supply Management Report

2020 Water Year (October 1, 2019 – September 30, 2020)

Water Resources Division, Public Works Department
January 26, 2021

INTRODUCTION

The City of Santa Barbara operates the water utility to provide water for its citizens, certain out-of-City areas, and visitors. Santa Barbara is an arid area, so providing an adequate water supply requires careful management of water resources. The City has a diverse water supply including local reservoirs (Lake Cachuma and Gibraltar Reservoir), groundwater, State Water Project water, desalination, and recycled water. The City also considers water conservation an important tool for balancing water supply and demand. The City's Long-Term Water Supply Plan (LTWSP) was adopted by City Council on June 14, 2011. The LTWSP is currently being re-evaluated and updated; that update is expected to be complete in June 2021.

This annual report summarizes the following information:

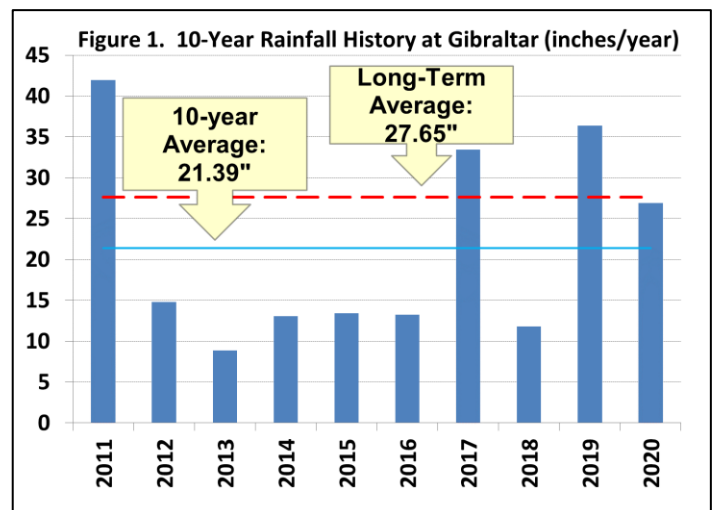
- The status of water supplies at the end of the water year (September 30, 2020)
- Drought outlook
- Water conservation and demand
- Major capital projects that affect the City's ability to provide safe clean water
- Significant issues that affect the security and reliability of the City's water supplies

Appendix A provides supplemental detail. Additional information about the City's water supply can be found on-line at: www.SantaBarbaraCA.gov/Water.

WATER SUPPLIES

The City has developed five different water supplies: local surface water; local groundwater (which includes water that seeps into Mission Tunnel); State Water; desalinated seawater; and recycled water. Typically, most of the City's demand is met by local surface water reservoirs and recycled water, and is augmented as necessary by local groundwater, State Water, and desalination.

The City's local surface water comes from Gibraltar Reservoir and Lake Cachuma, both of which are located in the upper Santa Ynez River watershed. The inflow to these reservoirs is rainwater, so rainfall data for Gibraltar Reservoir is important for water supply management purposes. Figure 1 shows rainfall for the past ten years as compared to the 50-year average. Additional historic information is included in Appendix A. Runoff generated by average rainfall is generally enough to fill Gibraltar; however, it



typically takes above-average rainfall to produce any significant inflow to Cachuma. Rainfall in the Santa Ynez River watershed during 2020, as measured at Gibraltar, was 97% of average, with the majority of rain falling during December, March, and April. With above average rains in the winter of 2019 and average rains in the winter of 2020, it appears the Santa Barbara area is coming out of the longest drought on record. At the end of Water Year 2020, Lake Cachuma was at approximately 74% of its capacity. To enhance rainfall, the City has historically participated in the cloud seeding program administered by the County of Santa Barbara. However, cloud seeding only works when there are storm events. The cloud seeding program in the Santa Ynez River watershed has been suspended since 2017 due to Rey, Whittier, and Thomas Fire impacts. There are concerns that intensified rainfall would generate more soil erosion in the burn areas, and result in sediment accumulation in Lake Cachuma. Table 1, below, summarizes the status of the City's water supplies at year-end.

Table 1. End of Year Status of City Water Supplies	
The Water Year runs from October 1 through September 30. All data is as of September 30, 2020.	
Lake Cachuma	<p>Total Capacity: 184,121 AF (2013 survey for 750' elevation)</p> <p>End of Year Storage: 135,570 AF (74% of Total Capacity)</p> <p>The City's share of the Cachuma Project's normal annual entitlement is 8,277 AF. The City's WY 2020 allocation was 100%. Actual City use in WY 2019 was 1,901 AF. Total remaining carryover for the City as of September 30, 2018 was 20,298 AF.</p>
Gibraltar Reservoir	<p>Total Capacity: 4,559 AF (June 2020 survey)</p> <p>End of Year Storage: 1,666 AF (37% of Total Capacity)</p> <p>Gibraltar Reservoir typically fills and spills two out of every three years. Gibraltar spilled four times since May 2011. The most recent spill was March 20, 2020. Total deliveries from Gibraltar in 2020 were 4,335 AF. The projected long-term average supply from Gibraltar is 4,330 AF under Pass Through Operations¹.</p>
Mission Tunnel	<p>Groundwater that seeps into Mission Tunnel is an important part of the City's water supply. Mission Tunnel provided 1,076 AF in WY 2020, slightly less than the long-term average of 1,125 AF².</p>
Ground-water	<p>The City conjunctively manages its groundwater with its surface water supplies, providing for groundwater replenishment during wet years. Groundwater levels continue to be relatively low due to drought conditions in previous years. After heavy groundwater pumping during the drought, the City focused on resting its groundwater basins in WY 2020 to help them recover to pre-drought levels. The City pumped 22 AF in October 2019 while providing regular well maintenance. Thus total groundwater supply used for WY 2020 was 22 AF.</p>
State Water Project	<p>The City has a 3,300 AF "Table A" allotment (with drought buffer), subject to availability. In 2020, the Table A allocation was 20%, or 660 AF for the City. The Coastal Branch and Santa Ynez Extension of the State Water Project (SWP) are in place to deliver the City's water into Lake Cachuma. The City used no supply from the SWP in WY 2020. The City exchanged 387 AF with Santa Ynez River Water Conservation District, Improvement District No. 1 (ID#1) pursuant to the Exchange Agreement.</p>
Desal	<p>The desalination plant was reactivated in May 2017. It produced and delivered 2,749 AF of water to the City's distribution system in 2020.</p>
Recycled Water	<p>The City's recycled water system serves parks, schools, golf courses, other large landscaped areas, and some public restrooms. Demand from the system was 739 AF, or 7% of the total customer water demand, plus 285 AF of process water at El Estero Water Resource Center (El Estero). In 2020, the recycled system demands were partially supplied by 31 AF of potable blend water.</p>

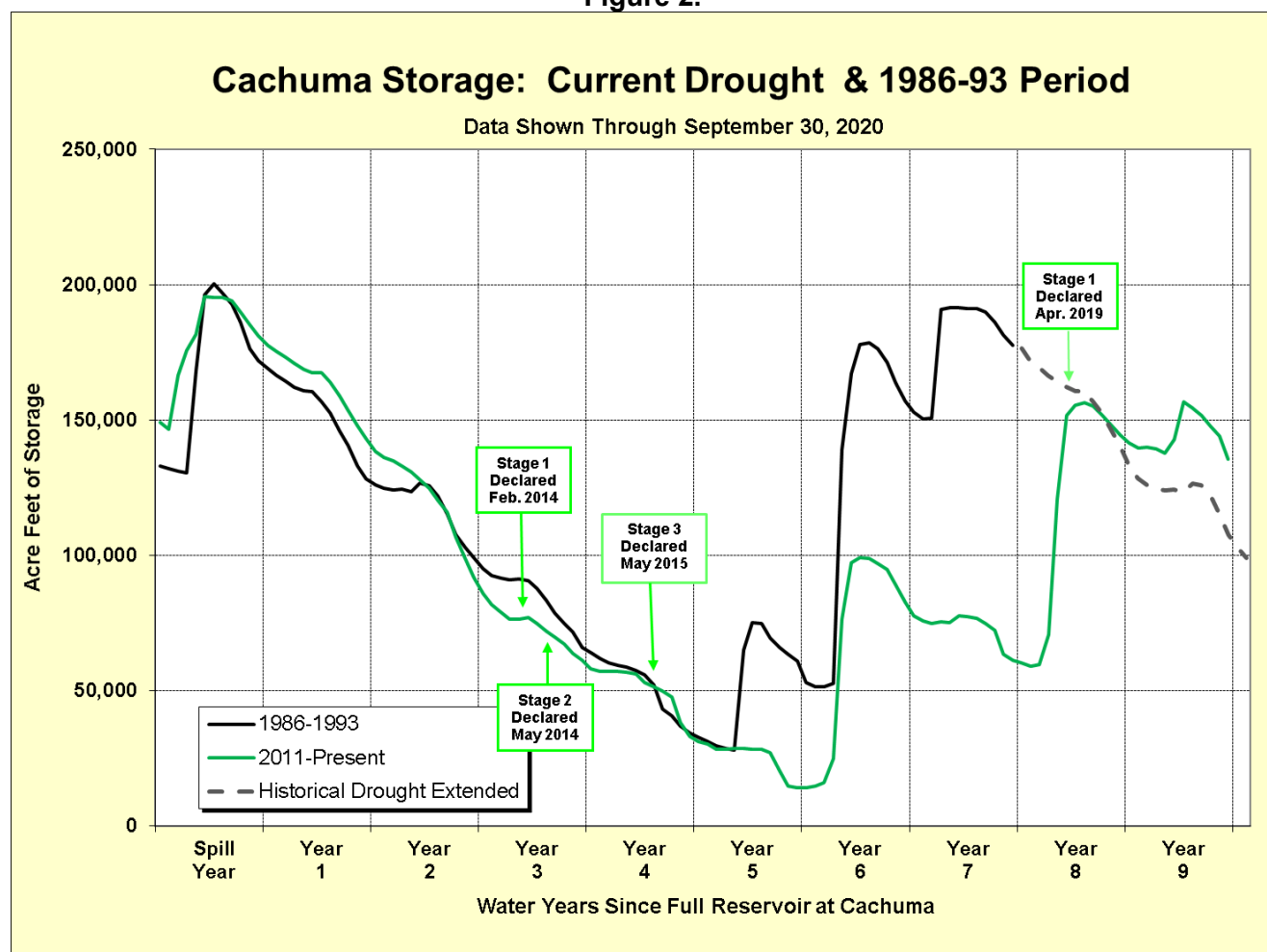
¹ Stetson, 2013. *Hydrologic Analysis of the Pass Through Operations at Gibraltar Reservoir*. Prepared for the City of Santa Barbara. July 2013.

² SWRCB et al., 2011. *Final Environmental Impact Report for the Cachuma Project Water Rights Hearings*. Prepared for the State Water Resources Control Board. December 2011.

DROUGHT OUTLOOK

Because the City depends heavily on local surface water, our water supply reliability is vulnerable to prolonged drought. Lake Cachuma is our primary source of surface water, and its storage level is the most important indicator of drought impacts. Figure 2 shows a recent history of storage levels at Lake Cachuma, which reached historic lows, recovered to about 50% capacity in water year 2017, and then have hovered around 75% of capacity since. Cachuma storage currently stands at about 74% of capacity at the end of water year 2020. The severe drought period of 1986-1993 is also shown for comparison. Cachuma members normally begin to take voluntary reductions in deliveries when the reservoir storage drops below 100,000 AF as a way of stretching supplies in case drought conditions continue. In 2020, the Cachuma Member Units received a full entitlement after winter rains replenished the reservoir. The City's current entitlement for WY 2021 is 100% or 8,277 AF.

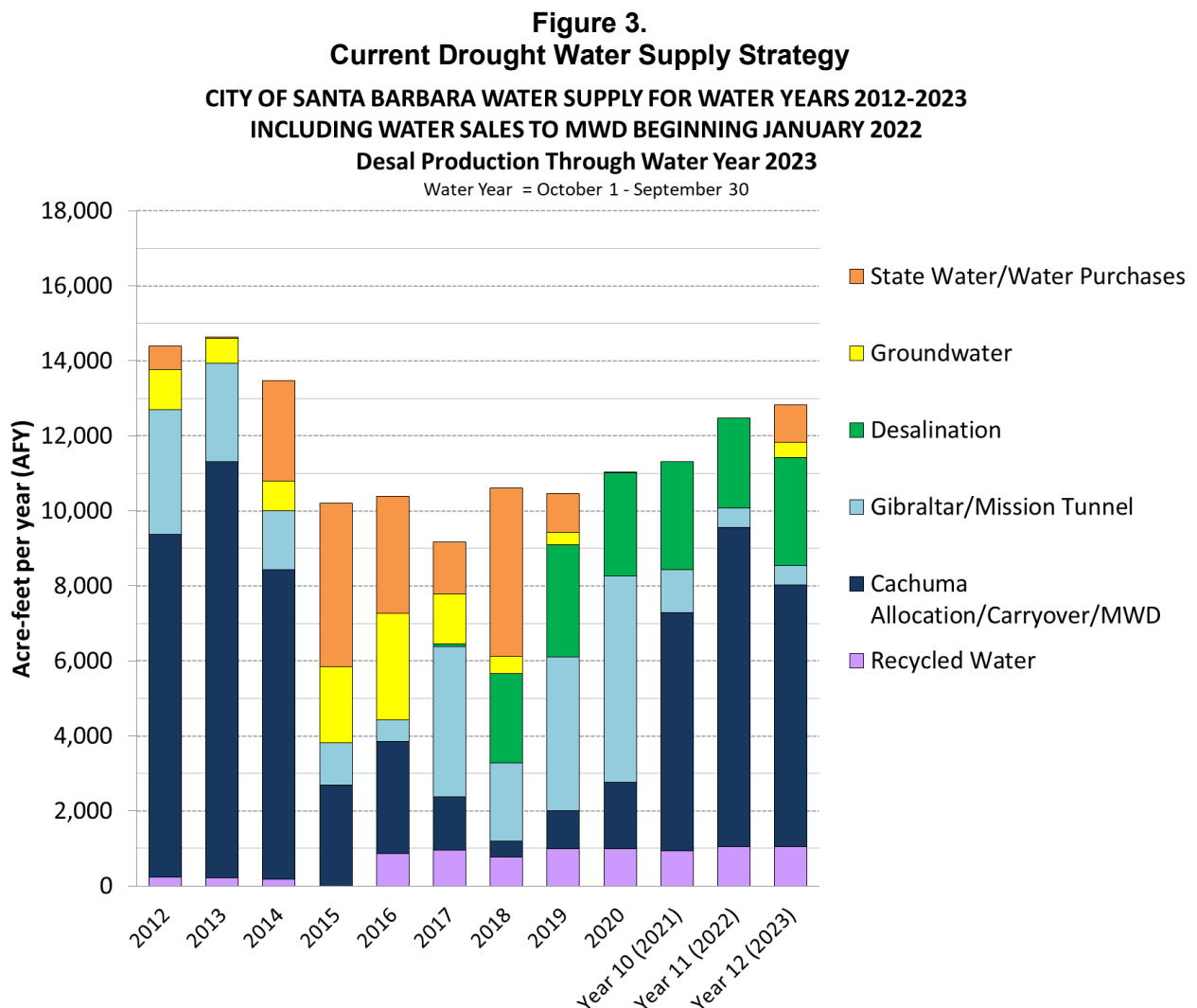
Figure 2.



Under the adopted 2011 LTWSP, the City's planned water supply is expected to meet 100% of unrestricted customer demand in most years, and no less than 85% of demand during the latter portion of a six-year period of below average rainfall, which defines our "critical drought period." When rainfall is below average, there is limited inflow to Lake Cachuma and the storage level continues to drop. The City's management plan assumes the first year after a spill at Cachuma may be the first year of a critical drought period, and the drought is over

when Cachuma spills again. The planned six-year water supply strategy was based on available supply during the 1947-52 critical drought period (and extended for an additional dry year). This was considered the “design drought” for planning purposes. As shown in Figure 2, WY 2020 was year nine of the current drought period based on the definition described above. Since the current drought condition has exceeded the 1947-52 drought of record, the LTWSP is being updated to redefine a new ten-year design drought for the future.

Figure 3 shows the current water supply strategy over a ten-year period. Since 2011 was the last spill at Lake Cachuma, 2020 was Year 9 of a critical drought period as defined in the 2011 LTWSP. The first nine years reflect actual water supply, and the last three years conservatively reflect projected water supply assuming continued drought conditions. Because the recent historic drought has been worse than the design drought, the last three years reflect a more conservative assumption of 1) no additional inflows to Gibraltar Reservoir or Lake Cachuma; and 2) a 35% Table A allocation of State Water.



The supply strategy reflects the management policies adopted in the 2011 LTWSP. The City Council declared a Stage One Drought condition on February 11, 2014, Stage Two Drought condition on May 20, 2014, and Stage Three Drought condition on May 5, 2015. On December 6, 2016, the Stage Three Drought condition was amended to increase the City's water

conservation target to a 40% reduction, based on local water supply conditions. On March 21, 2017, the Stage Three Drought condition was amended to decrease the City's water conservation target to a 30% reduction in response to winter 2017 rains, which filled Gibraltar Reservoir and increased storage in Lake Cachuma. Most recently, on April 9, 2019, City Council rescinded the Stage Three Drought condition and adopted a Stage One Water Supply Condition in response to above average rainfall in winter 2019. Although the 2019 rains greatly improved water supply conditions, Cachuma did not spill, and peaked at approximately 85% of storage capacity.

The City's adopted 2015 Water Shortage Contingency Plan, included in the City's 2015 Urban Water Management Plan, outlines the stages of drought and actions to achieve planned demand reductions. A Stage 3 Drought condition is the most critical stage. While the City was in a Stage 3 Drought condition, the City Council adopted regulations for drought water use restrictions. Staff increased public outreach and messaging to communicate the status of drought conditions and need for extraordinary water conservation. City Council lifted all prior drought water use restrictions with the rescension of the Stage 3 Drought Condition in April 2019. The City remains in a Stage One Water Supply Condition. Although there are no mandatory drought restrictions under the current Stage 1 Water Supply Condition, the City continues to enforce its longstanding regulations prohibiting irrigation runoff and failure to repair leaks. Continuing conservation by the community to reduce water use is encouraged as the cumulative effects of the drought on the City's water supplies have been extreme, and it will take several years for some water sources, especially groundwater, to recover. The Water Shortage Contingency Plan is currently being reworked as part of the LTWSP update.

MONITORING OF WATER SUPPLY AND DEMAND

Water demand has historically been measured by total water supply production, which is the total amount of supply from all sources to serve demands on the potable and recycled distribution systems. State requirements for water conservation established a "20% by 2020" target based on gallons used per capita per day (GPCD) for potable water use. Since the supply production numbers provide historical context on the City's demand, and per capita water use is the new mandatory metric, both are being tracked. Figure 4.A illustrates the historical demands based on total water supply produced. Total water production was 10,759 AF for 2020 (excluding water produced for El Estero's process demands). Figure 4.B shows monthly potable water GPCD water use values, as well as a moving 12-month GPCD average. Average usage for 2020 was 93 GPCD - significantly lower than the City's 2020 target of 117 GPCD. In both charts, demands show a decline beginning in 2014 in response to the Stage 2 and 3 drought conditions that instituted mandatory reductions of water use. Several production meters were replaced in March and April of 2018, increasing the accuracy of the City's water supply production calculations. Because meters tend to under register as they age, the new production meters registered greater production than the old meters, which caused what looks like a spike in system production and GPCD in 2018 compared with previous years. GPCD and system production increased slightly over the course of 2020 compared to 2019 as customer use started to rebound after drought restrictions were lifted.

Figure 4.A.

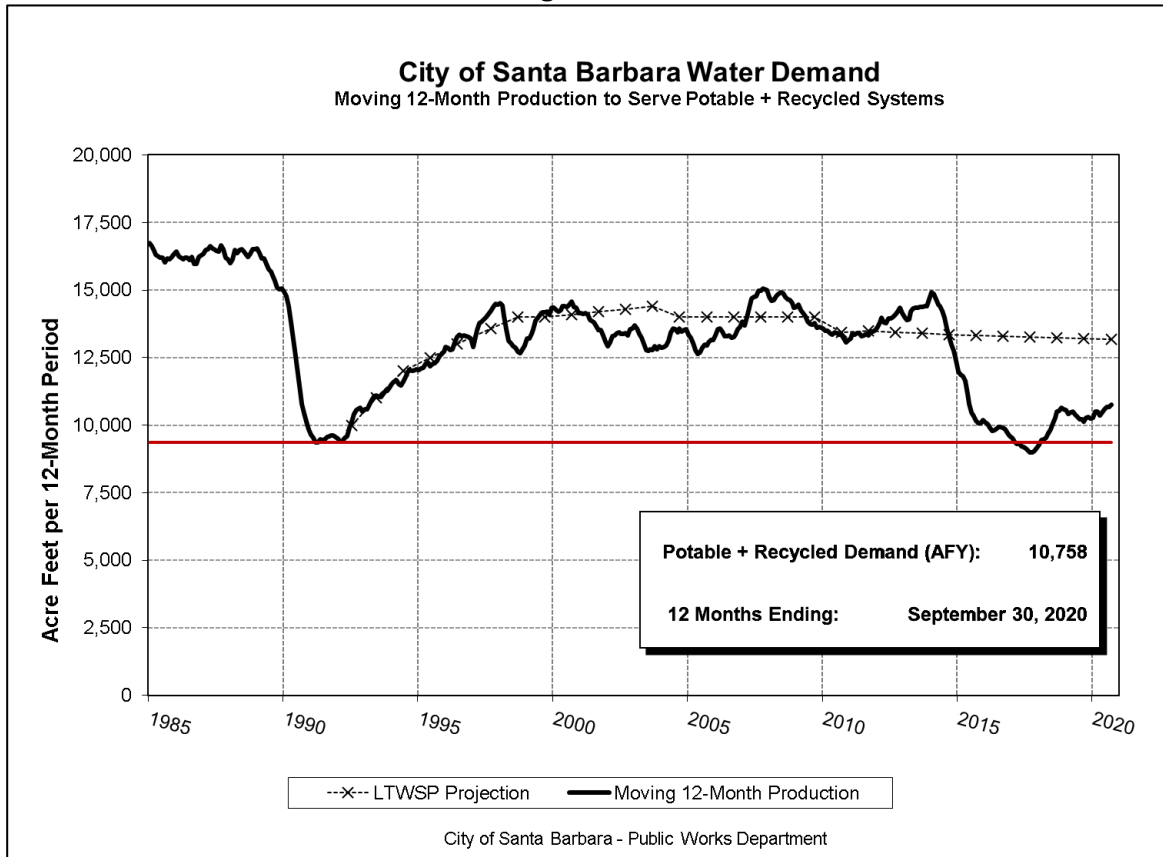
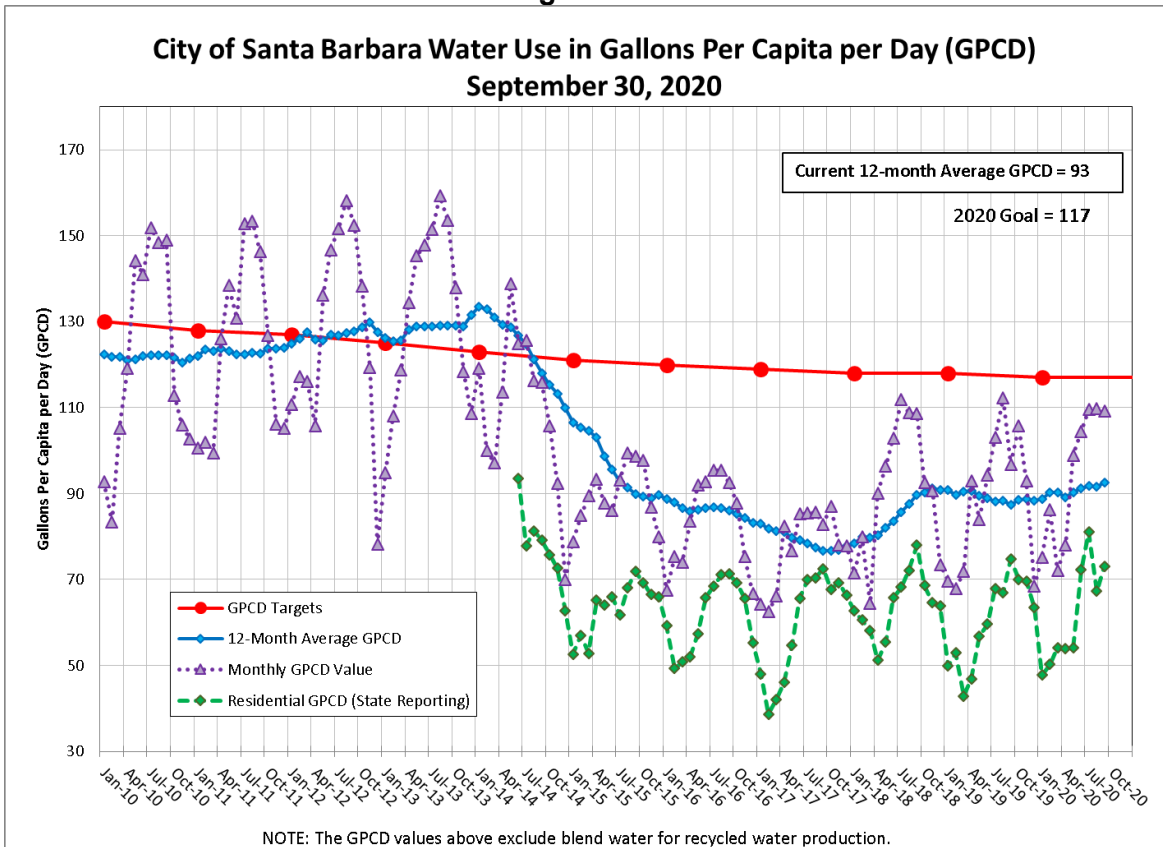


Figure 4.B.



CITY WATER CONSERVATION PROGRAM

In accordance with the LTWSP, the Water Conservation Program is operated to minimize the use of potable water supplies, implement the best management practices of the Bureau of Reclamation, and achieve compliance with the State's 20% x 2020 per capita water use target. Water conservation measures are evaluated for cost effectiveness based on the avoided cost of additional water supplies. Highlights of the City's Water Conservation Program include the following activities:

- **Free Water Checkups:** Checkups are requested by water customers to assist in evaluating indoor and outdoor water usage, finding leaks, and water efficiency recommendations. 1,075 free water checkups were provided in Water Year 2020. 437 of those were in-person Water Checkups, and the remaining 638 were phone and virtual Water Checkups due to coronavirus precautions initiated on March 17, 2020.
- **Landscape Training:** Lectures and workshops are geared toward homeowners and landscape professionals, many are offered in conjunction with horticultural organizations and local irrigation stores. Water Year 2020 included in-person Landscape Assessment 101 and Rainwater Harvesting 101 classes, and virtual Graywater 101 and Water Wise Landscape Maintenance 101 classes. Additionally, the bilingual Green Gardener program transitioned to virtual instruction in spring 2020.
- **Marketing and Outreach:** Continued to implement the comprehensive South Coast Water Conservation Marketing Plan, as well as regional outreach through the Countywide Regional Water Efficiency Program. Highlights from Water Year 2020 include: training for landscape professionals, countywide advertising about landscape transformations and irrigation repairs, created new episodes of the Garden Wise TV show, and provided guest speakers to neighborhood and community organizations.
- **Water Education Program:** Free in-class presentations, tours, and school assemblies to highlight where the City's water comes from, and how to conserve it. 1,278 students were reached in Water Year 2020.
- **Rebate Program Participation:** There were 38 high efficiency washing machine rebates, 168 mulch delivery rebates, and 31 landscape rebates before the program ended on July 1, 2020.

CAPITAL PROJECTS

Staff continues work on a number of projects to improve the reliability and maintain quality of City water supplies:

- **South Coast Conduit Pump Station Upgrades:** The pump station conveys water down the South Coast Conduit to areas in Santa Barbara, as well as Montecito and Carpinteria Valley Water Districts. The work included replacing four variable frequency pump drives and upgrading the automatic transfer switch connection to an emergency generator.
- **Cater Water Treatment Plant Clearwell Pre-design Report:** This report investigates options for the Clearwell (finished water reservoir) to provide additional chlorine contact

time for disinfection purposes of drinking water produced by the Cater Water Treatment Plant. On-going studies will take place in FY2021.

- **Cater Water Treatment Plant Effluent Meter Replacement:** The replacement meter will provide more accurate water production data. This increased accuracy is important for the City for water production versus demand information, treatment plant efficiency data, and water system loss calculations.
- **Desal Product Water Pump Station:** This pump station is being upgraded so the station will be capable of pumping desalinated water to the Cater Water Treatment Plant via the newly constructed Conveyance Pipeline. This project is currently in design, with construction anticipated to begin in FY2021. The project will improve overall water system quality and provide the opportunity to convey desalinated water to Montecito and Carpinteria Valley Water Districts.
- **Conveyance Pipeline:** This new pipeline will convey desalinated water from the City's desalination plant to the Cater Water Treatment Plant. Design of this project began in FY2019, and construction is anticipated to begin in FY2021. The project will improve overall water system quality and provide the opportunity to convey desalinated water to Montecito and Carpinteria Valley Water Districts.
- **Transmission system renewal:** This project will renew approximately 2 miles of 24" and 30" transmission mains. Design of this renewal project began in FY2019, and construction is anticipated for FY2021. The scope of work includes replacing transmission main appurtenances including valves, blow offs, and air relief valves. This is an important project for renewing sections of the City's transmission system.
- **Golf Course Recycled Water Pump Station Upgrade:** This pump station is a primary facility for conveying recycled water throughout the City's recycled water system. The project upgraded communication and controls systems at the pump station.
- **Ortega Park Well Demolition and Abandonment:** This City well outlived its useful service life. For the safety of the groundwater supply, this well was properly demolished and abandoned. The City has considered possible locations for a replacement well.

The following is a summary of groundwater well status, grouped by basin:

Storage Unit 1 Basin: Unless otherwise noted, all basin wells are currently in standby mode.

- *Corporation Yard:* The well was recently rehabilitated. The project scope included removing and replacing the existing pump assembly to inspect and assess the pumping equipment; brushing the entire length of the well, including the well screens; chemically treating, then pumping, surging and disinfecting the well. As a result of the rehabilitation work, Corp Yard Well is ready to be put into service as needed, but is currently offline.
- *Alameda:* Pipeline design is underway to convey Alameda well water to the Ortega Groundwater Treatment Plant for treatment.
- *Ortega:* Has been properly destroyed and abandoned.
- *High School*
- *Vera Cruz*
- *City Hall*

Foothill Basin: All wells are currently in standby mode

- *San Roque*
- *Hope*
- *Los Robles*

Storage Unit 3 Basin:

- *Valle Verde Well:* Currently in standby mode. This non-potable water well is used to augment water supplies to the recycled water system.

WATER SUPPLY ISSUES

There are a number of significant issues related to the City's water supplies, which are discussed briefly below.

Long-Term Water Supply Plan/Enhanced Urban Water Management Plan: The City's 2011 Long-Term Water Supply Plan (LTWSP) was the product of numerous technical studies and over a year-long collaboration between staff and the Water Commission to appropriately quantify our water supplies and develop policies to guide our water supply management over the next twenty years. The plan is available to the public on the City's website at the following address: www.SantaBarbaraCA.gov/Drought.

The LTWSP is the basis for the City's state-mandated Urban Water Management Plan (UWMP), which is required to be updated every five years. Compliance with the State's Urban Water Management Planning Act maintains the City's eligibility for State grants and loans. The most recent UWMP Update was adopted by City Council on June 28, 2016 and submitted to the State by the July 2016 deadline. The policies outlined in the City's 2011 LTWSP were the basis for the 2016 UWMP Update.

Since 2011, the City has experienced the most severe and long lasting drought on record, exceeding the "design drought" used in the 2011 LTWSP analysis. Additionally, several issues have the potential to affect the availability of the City's current water supplies moving forward (discussed later in this report).

The City is busy reassessing the adequacy, reliability, cost, and environmental and social effects of its water supplies with respect to these issues. Over time, UWMP requirements have increased, and the City sees the value of having one water supply planning tool to reference for City-wide planning efforts. Therefore, the City plans to meld the supply planning efforts of the LTWSP into the development of its 2020 UWMP so that moving forward, there will be one comprehensive water supply planning report, an Enhanced UWMP. The Enhanced UWMP project looks out 30 years to 2050. Its development commenced in February 2020, and is scheduled to be completed by June 2021. The project includes a detailed stakeholder engagement process to ensure the values and recommendations of the community are considered in the City's future water supply planning. Information on the project's progress can be found at www.SantaBarbaraCA.gov/WaterVision.

Cachuma Project State Water Rights Order: The US Bureau of Reclamation (Reclamation) operates the Cachuma Project pursuant to a water rights permit issued by the State Water Resources Control Board (SWRCB). The project provides water to the City of Santa

Barbara, Carpinteria Valley Water District, Goleta Water District, Montecito Water District, and Santa Ynez River Water Conservation District, Improvement District No. 1 (often referred to collectively as the Cachuma Member Units). The first water right permit for the Cachuma Project was issued in 1958. On September 17, 2019, the SWRCB adopted an order for a new water rights permit for the Cachuma Project. The current permit is the culmination of nearly 20 years of legal proceedings to protect water rights holders and address long-term declines in native Southern California steelhead populations in the Lower Santa Ynez River (downstream of Bradbury Dam). The new order will result in higher downstream flows during wet years, which will reduce available storage in Cachuma Reservoir going into normal and dry years, and a reduction in supplies available to Cachuma Member Units, including the City.

Cachuma Project Biological Opinion: In 2000, a Biological Opinion (BO) was issued by the National Marine Fisheries Service (NMFS) for Reclamation's operation and maintenance of Bradbury Dam (the Cachuma Project). NMFS is the agency that oversees protection of Southern California steelhead. The BO addresses the effects of the proposed Cachuma Project operations on steelhead and its designated critical habitat in accordance with Section 7 of the Endangered Species Act of 1973. Reclamation, in cooperation with the Cachuma Project Water Agencies, has developed a Biological Assessment (BA), which included proposed revisions to the Project operations since 1993 to improve habitat conditions for steelhead trout while still maintaining water supplies. In 2014, the NMFS formally initiated a re-consultation of the BO, for which the BA served as a basis document. NMFS failed to complete the BO within the allotted time, and has had to start over. The Cachuma Conservation Release Board (CCRB), of which the City is a member, is currently focused on assisting Reclamation with preparing a new BA for Lake Cachuma that is aligned with the Cachuma Project State Water Rights Order. Reclamation plans to submit a draft BA to NMFS on December 12, 2020. The desired outcome is a non-jeopardy opinion for steelhead by NMFS. Similar to the State water rights decision, the revised BO is important because it could affect Cachuma Project operations and the amount of water available for water supply purposes.

Cachuma Contract 2020: Since the construction of the Cachuma Project, the Santa Barbara County Water Agency (SBCWA) has been the nominal contractor with Reclamation. The SBCWA was formed in 1945 by the State Legislature to facilitate development of the Cachuma Project and to provide a water supply to the City of Santa Barbara, Carpinteria Valley Water District, Goleta Water District, Montecito Water District, Summerland Water District 3, and Santa Ynez Water Conservation District Improvement District No. 1. The City and these districts are collectively known as the "Cachuma Member Units." The SBCWA Act (Act), which created the SBCWA and specifies its powers, designates the County Board of Supervisors as the legislative body of the agency. The SBCWA's authority is limited by the Act to supplying water to the Cachuma Member Units.

In 1949, the SBCWA entered into a long-term agreement with Reclamation for the development of the Cachuma Project and supplying water to the Member Units (the Original Master Contract). Concurrently with the execution of the Original Master Contract, the SBCWA executed essentially identical water supply agreements with each of the Cachuma Member Units.

³ Summerland Water District was subsequently merged into the Montecito Water District.

In the mid-1990s, the SBCWA, “on behalf of the Member Units,” and the Cachuma Member Units requested renewal of the Original Master Contract. The renewed Master Contract was entered into by the SBCWA “acting as agent of the Cachuma Member Units” in 1996 and was set to expire on September 30, 2020. The Cachuma Member Units are the beneficiaries of the water supplied by the Cachuma Project and are responsible for paying all Project costs. The Cachuma Member Units paid off the capital component of the Cachuma Project in 2015.

On May 2, 2017, the Santa Barbara County Board of Supervisors authorized its staff to initiate renewal of the Cachuma Contract with Reclamation. Reclamation has stated that they generally conduct the contract renewal process only with the direct contractor, SBCWA. However, given the unique connection that the Master Contract has with the Cachuma Member Units (e.g. Member Units are water recipients and are responsible for the associated payments to Reclamation), Reclamation determined it was appropriate for Cachuma Member Units to participate alongside the SBCWA in the Technical and Negotiation sessions.

After completing negotiations on a three-year extension and necessary environmental review, Reclamation signed an amendment to the contract with the SBCWA for water service from the Cachuma Project on September 28, 2020, extending the contract through September 30, 2023. Concurrently, on September 24, 2020, the Santa Barbara County Public Works Director signed the First Amendment to the City’s Cachuma Member Unit Agreement with the SBCWA to provide for continued delivery of water from the Cachuma Project to the City. The City’s contract with the County incorporates the same terms and conditions as the Master Contract three-year extension. With the contract extensions complete, Reclamation, the SBCWA as contract-holder, and the Cachuma Member Units as beneficiaries of the Master Contract, will begin negotiating terms of a new long-term contract. Reclamation recently indicated its desire to complete negotiations on a long-term contract within the next one to two years; however, Reclamation has yet to schedule negotiations.

A significant element of the Master Contract negotiations will be carryover water. Carryover water is annually allocated Cachuma water that has not been used by a Cachuma Member Unit in the year it was allocated. Historically, carryover water has been allowed to be banked in Lake Cachuma until it is either used, or Lake Cachuma’s Bradbury Dam spills, which then erases all banked carryover water. Carryover water is an important water supply for the Cachuma Member Units, as it allows these water agencies to build up a drought buffer, and also provides them the opportunity to better manage their water supplies.

During the recent Master Contract extension negotiations, Reclamation expressed a strong desire to limit, or cap, the amount of carryover water Cachuma Member Units can bank in Lake Cachuma. Such a substantial change would cause the Cachuma Member Units to reconsider how they manage their water supplies, and would impact their ability to prepare for a drought. Carryover water will be an important point of discussion in the upcoming Master Contract negotiations.

Gibraltar Pass Through Operations: The 2007 Zaca Fire burned approximately 60% of the Gibraltar Reservoir watershed, which normally contributes up to 35% of the City’s water supply. On top of historical siltation, the additional sediment load resulting from the Zaca Fire reduced the reservoir’s storage capacity by 1,535 AF. The recent Rey Fire in Fall 2016 also burned within the Gibraltar watershed, which resulted in an additional loss of 303 AF.

The full extent of reservoir capacity loss from the 2017 Thomas Fire is still unknown, as sediment will continue to make its way through the watershed and into the reservoir for several years. Annual bathymetric surveys performed on the reservoir since 2017 demonstrate Gibraltar has suffered an overall reduction of 2,267 AF in storage capacity over the past three years, leaving the reservoir with a current storage capacity of 4,559 AF.

In 1989, the City entered into the Upper Santa Ynez River Operations Agreement (the “Pass Through Agreement”) with other Santa Ynez River water agencies. The City agreed to defer its planned enlargement of Gibraltar Reservoir in exchange for provisions that would allow the City to “pass through” a portion of its Gibraltar water to Lake Cachuma for storage and delivery through Cachuma Project facilities. As a result of the Zaca Fire impacts to Gibraltar Reservoir, the City elected to commence this phase of operations and is working with the Reclamation to negotiate a “Warren Act” contract as the preferred approach of accounting for the City’s Pass Through water. To execute a Warren Act contract, Reclamation must prepare an environmental assessment under the National Environmental Policy Act (NEPA). Reclamation released a draft environmental assessment (EA) that has gone through public review. The final EA has yet to be released by Reclamation. Staff worked with Reclamation in 2019 to review and negotiate draft Warren Act Contract language. Staff continues to wait for a response from Reclamation regarding outstanding EA issues. The Pass Through operations will allow the City to maximize its Gibraltar water rights, while the reservoir continues to lose capacity from sediment settling in the reservoir.

Lake Cachuma Water Quality and Sediment Management Study: The Zaca Fire (2007), White Fire (2013), Rey Fire (2016), Whittier Fire (2017), and Thomas Fire (2017) have collectively burned approximately 180,000 acres (two-thirds) of the Cachuma watershed. The long-term impacts of the fires can potentially impact surface water quality and accelerate ongoing sedimentation in the reservoirs, reducing storage capacity.

The Cachuma Operation and Maintenance Board (COMB) recently developed a Lake Cachuma Water Quality and Sediment Management Study (Study) in conjunction with agencies that manage, operate, and use the lake and its watershed for drinking water purposes, including the City. The Study evaluated management actions, such as sampling, data collection and management, in-lake treatment and monitoring, erosion control, and watershed management for drinking-water reservoirs. Some the lessons learned from the Study could be applied at Gibraltar Reservoir, such as enhanced data collection and management strategies, and real-time nutrient monitoring

State Water Project/Delta Issues: Significant issues include:

- **Delta Conveyance:** The Sacramento-San Joaquin Delta is a critical conveyance link for all water moved to the south by the State Water Project (SWP). However, the reliability of State Water supply is at risk due to drought, environmental restrictions, and seismic events. The Bay Delta Conservation Plan (BDCP) proposed a solution to balance coequal goals of water supply and environmental benefits. A Draft Environmental Impact Report (EIR) and Draft Environmental Impact Statement (EIS) for the BDCP were made available for public review from December 2013 to July 2014.

In April 2015, State and Federal agencies announced a new alternative which would replace the BDCP as the State’s proposed project. The new alternative reflected

proposals by Governor Jerry Brown and the California Department of Water Resources to separate the conveyance facility and habitat restoration measures into two separate efforts: California WaterFix and California EcoRestore. These two efforts are a direct reflection of public comments on the BDCP EIR/EIS and fulfill the requirement of the 2009 Delta Reform Act to meet co-equal goals.

On July 21, 2017, the DWR certified the Final EIR/EIS for the project, approved the California WaterFix (Alternative 4a), and filed a Notice of Determination with the Governor's office. The California WaterFix included two large, four-story tall tunnels to carry fresh water from the Sacramento River under the Sacramento-San Joaquin Delta toward the intake stations for the SWP. The certification was a major milestone that came after more than a decade of analysis, review, and public comment.

In May 2019 the DWR began taking formal steps to withdraw proposed permits for the WaterFix project and begin a renewed environmental review and planning process for a smaller, single tunnel conveyance project. This action followed Governor Gavin Newsom's executive order directing state agencies to develop a comprehensive statewide strategy to build a climate-resilient water system. Governor Newsom envisions a smaller, single tunnel through the Sacramento-San Joaquin Delta that would protect water supplies from sea-level rise and saltwater intrusion into the Delta, as well as earthquake risk. It will be designed to protect water supply reliability while limiting impacts on local Delta communities and fish.

DWR and the SWP Contractors have begun the public process of negotiating proposed amendments to the SWP water supply contracts for a new Delta Conveyance project. Amendments to the water supply contracts will add terms and conditions that are applicable to the construction, operation, and maintenance of the new Delta Conveyance project. Some recently negotiated amendments will affect SWP water management options as soon as Feb 20, 2021. These amendments included new protocols for water transfers over a single and multiple years, water exchanges, and water storage outside of an agency's service area, for recovery during a dry year.

The public negotiation process is expected to result in an Agreement in Principle (AIP) among DWR and the public water agencies that describes a conceptual approach to cost allocation, and related financial and water management matters. The AIP will be incorporated into a Notice of Preparation of an Environmental Impact Report examining Delta conveyance alternatives and the proposed contract amendment in accordance with the requirements of the California Environmental Quality Act (CEQA). Actual water supply contract amendment language would also be developed following the approval of the AIP.

The Central Coast Water Authority (CCWA) is one of the 29 SWP contractors. CCWA represents the Cachuma Member Agencies on SWP matters. Considering the scope of the proposed new Delta Conveyance project is currently undefined, as is the overall project budget, CCWA and its members have chosen not to participate in the new Delta Conveyance facility at this time. This does not preclude individual agencies from possibly purchasing SWP water from a participating SWP agency in the future. However, there are concerns that by not participating in the new Delta conveyance project, CCWA members will have less secure water banking

opportunities in the state's San Luis Reservoir. This is a result of the new Delta Conveyance project, which is anticipated to cause the San Luis Reservoir to spill more frequently (every other year versus historically where it spilled every ten years), resulting in a loss available storage to CCWA. For this reason, CCWA is undertaking a Water Management Strategies Study to identify and evaluate cost-effective strategies to optimize the yield from the SWP including, but not limited to, storage exchange and groundwater banking opportunities.

- **State Water Contract Assignment:** The City of Santa Barbara receives imported water from the SWP through the CCWA. The CCWA is a JPA formed in 1991 to finance, construct, manage and operate regional treatment and conveyance facilities that deliver State Water to its member agencies, including the City of Santa Barbara. While the CCWA is responsible for financial and operational management of regional SWP facilities, the CCWA does not hold the current State Water Contract with DWR. The State Water Contract with DWR was first executed in 1963 and is currently held by Santa Barbara County. On October 31, 2017, the Santa Barbara City Council authorized amending existing agreements with CCWA to effectuate the assignment of the State Water Contract from the County to CCWA. All of the CCWA member agencies have also provided such authorization. CCWA has also received written confirmation of DWR's willingness to accept assignment of the contract to CCWA. CCWA is working with Santa Barbara County for the remaining approval to assign the contract to CCWA. The County Board of Supervisors (BOS) is tentatively expected to continue the contract reassignment discussion February 2021.

Groundwater Management Plan: The City's groundwater basins are relatively small, but groundwater plays an important role in meeting demand during drought and emergency periods. Located on the southern side of the Santa Ynez Mountains, groundwater and desalination are the City's only existing potable water supplies that are truly local. This is important in case of a potential catastrophic interruption of one or both tunnels (Tecolote Tunnel and Mission Tunnel) that carry water supplies through the Santa Ynez Mountains, such as in a seismic event.

There are two main groundwater basins that the City relies on for water supply: Foothill Basin and Santa Barbara Basin (Storage Units I and III). For decades, the City has been working with the United States Geological Survey to monitor water levels and water quality of the groundwater basins and develop a detailed model to estimate the sustainable groundwater yield for use in the City's water supply planning. The City has also adopted local ordinances regarding groundwater wells in order to protect the groundwater resource.

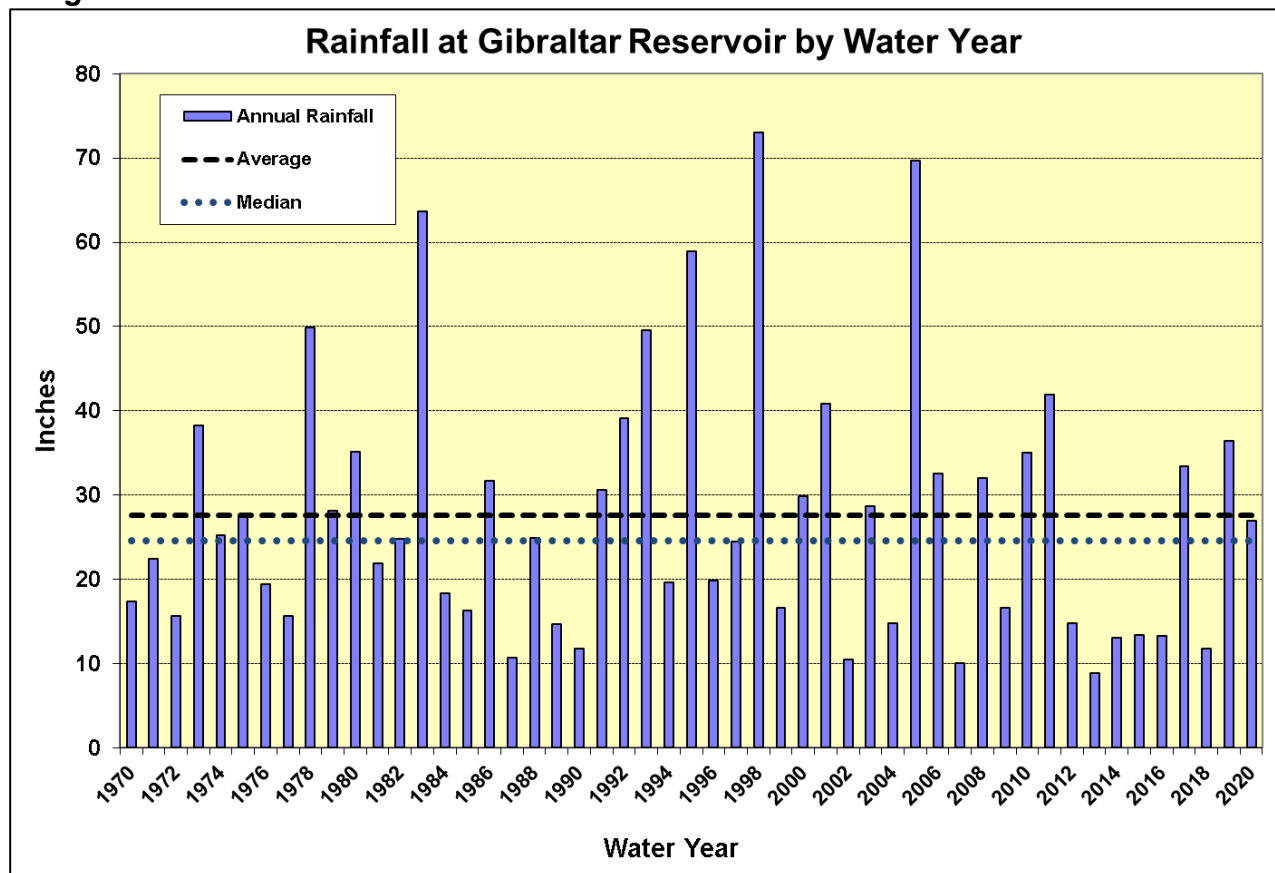
In 2014, the State of California adopted the Sustainable Groundwater Management Act (SGMA). In addition, the State developed rankings of recognized groundwater basins based on their condition. For State-ranked "high" or "medium" priority basins, SGMA requires the formation of a local groundwater sustainability agency (GSA) and adoption of locally-based management plans. SGMA provides local GSAs with tools and authority to 1) require registration of groundwater wells, 2) measure and manage extractions, 3) require reports and assess fees, and 4) request revisions of basin boundaries.

The City's groundwater basins are currently ranked by the State as "very low" priority. As a result, there is no current requirement to form a GSA or develop a groundwater management plan in order to be in compliance with SGMA. However, the update to the City's Long Term

Water Supply Plan, which is currently underway, will make recommendations on how to best manage the City's groundwater resources moving forward. It will include the development of a groundwater management plan and/or voluntarily establishing a GSA, and developing a Groundwater Sustainability Plan as defined by SGMA.

Appendix A – Supplemental Water Supply Information

Long-Term Rainfall Data



Groundwater Balance

Project conditions of the State Water Project (SWP) require the City to use SWP water to offset any demonstrated groundwater basin overdraft. Under the LTWSP, the City uses groundwater conjunctively with surface supplies, such that significant groundwater use only occurs when surface supplies are reduced. In response to the unprecedented drought, groundwater pumping increased in Water Years 2015 through 2018, providing a critical water supply. In Water Year 2019 the City pumped two groundwater wells to help meet peak summer demand from May through August, producing 318 AF. In WY 2020 the City only pumped 22 AF of groundwater as part of regular well maintenance. The wells have been turned off to rest the basins and allow them time to recover after experiencing heavy pumping during the height of the drought.

The estimated groundwater yield available to the City over a 5-year drought period, assuming no seawater intrusion, was originally based on numerical groundwater modeling performed by the United States Geological Survey (USGS) in 1998. In 2018 USGS updated their modeling efforts of the Santa Barbara (Storage Unit I) and Foothill Basins using a 10-year drought period and assuming some level of acceptable seawater intrusion. Groundwater yield estimates in this report have been updated based on that recent effort. As summarized in Table A-1, the estimated 10-year yield for City use is 16,090 AF in Storage Unit I and 8,130 AF in the Foothill Basin.

In the City's planning, the current drought cycle began when Cachuma last spilled in 2011. Therefore, the City's pumping over the last 9 years is shown for comparison. In addition, any significant City pumping from storage that occurred prior to the drought is shown. In normal conditions, the City limits pumping of Storage Unit I and the Foothill Basin to be equal or less than the City's share of the perennial yield of the basins (assumed to be 800 AFY and 450 AFY, respectively). However, in 2005-2011, some additional pumping from Foothill Basin storage reserves was necessary in order to meet drinking water quality regulations prior to completion of the Cater Ozone project. To estimate the remaining groundwater storage available, the City's actual pumping over the last 9 years was accounted for, as well as previous City pumping from storage (or pumping that exceeded its estimated share of the perennial yield). Based on the remaining yield, the City's primary groundwater basins are in long-term balance with no overdraft projected in the next year. However, it is anticipated the basin storage will remain at low levels should the drought condition continue. The City has factored this into its water supply planning such that the City does not plan to use groundwater beyond the estimated remaining storage yield in order to prevent overdraft conditions. Due to improved water supply conditions, the City does not plan on using any groundwater in 2021. However, groundwater remains a critical backup supply should surface water sources become interrupted.

Table A-1. Groundwater Balance

Storage Unit 1 Basin	
Estimated 10-Year Drought Storage Yield for City Use ¹ :	16,090 AF
City Groundwater Production last 9 years (October 2011 – September 2020):	5,832 AF
Previous City Use of Groundwater Storage (October 2005 – September 2011) ² :	0 AF
Remaining 10-Year Drought Storage Yield for City Use:	10,258 AF
Projected City Groundwater Production for 2020:	0 AF
Foothill Basin	
Estimated 10-Year Drought Storage Yield for City Use ¹ :	8,130 AF
City Groundwater Production last 9 years (October 2011 – September 2020):	3,574 AF
Previous City Use of Groundwater Storage (October 2005-September 2011) ² :	740 AF
Remaining 10-Year Drought Storage Yield for City Use:	3,816 AF
Projected City Groundwater Production for 2020:	0 AF
¹ Nishikawa, Tracy, ed., 2018, Santa Barbara and Foothill groundwater basins geohydrology and optimal water resources management - developed using density dependent solute transport and optimization models: U.S. Geological Survey Scientific Investigations Report 2018-5059, 4 chap. (A-D), variously paged, https://doi.org/10.3133/sir20185059 ² This represents City pumping exceeding the assumed perennial yield available to the City, thereby drawing from stored groundwater reserves. The assumed perennial yield available to the City is 450 AFY from Foothill and 800 AFY from Storage Unit I (source: City of Santa Barbara 2015 Urban Water Management Plan). Note that in WYs 2008-2010, the City increased pumping from Foothill Basin to meet water quality regulations as required prior to completion of the Cater Ozone project.	

The City uses non-potable groundwater from Valle Verde well located in Storage Unit III to augment supply to the recycled system as needed. The historical maximum annual pumping by the City from Storage Unit III is 216 AF, which occurred in 1990. The estimated average annual Storage Unit III yield available for use by the City is approximately 201 AFY. The City did not extract any water from Storage Unit III in WY 2020. Although the City does not plan on using any water from Valle Verde in WY 2021, the City may use Valle Verde as needed during short periods should the recycled water plant go offline for repair or maintenance.

Projection of Supply Availability

Table A-2 summarizes the City's water supply sources and fulfills a requirement of the project conditions for the SWP. The Water Year (WY) 2020-2021 Supply Plan reflects a projected total demand of 11,306 AF including ~180 AF for El Estero process water.

Table A-2. Sources of Supply (AF)

Source of Supply	WY 2020 Original Supply Plan	WY 2020 Actual	WY 2021 Supply Plan (Projected)
Gibraltar Reservoir	585	4,335	620
Cachuma Project	8,016	1,901	6,334
Mission Tunnel	528	1,076	528
Devil's Canyon	0	100	0
Juncal Res. (300 AF from MWD)	(w/ Cachuma)	(w/ Cachuma)	(w/ Cachuma)
State Water/Water Purchases	0	0	0
Groundwater (potable) ^A	0	22	0
Desalination	1,920	2,749	2,880
Recycled Water ^C	944	993	944
Groundwater (non-potable) ^A	0	0	0
Net Other Supplies	(na)	-133	(na)
Total Production:	11,993	11,043	11,306
Total Demand:	11,993	11,043 ^D	11,306

^A The City uses potable groundwater supply from Storage Unit I and Foothill, and non-potable groundwater supply from Storage Unit III.

^B Represents miscellaneous production sources (positive values) and water used from the distribution system for purposes such as transfers to adjacent water purveyors or groundwater recharge (negative values).

^C Planned and actual recycled water demands include ~180 AFY for El Estero process water. Blend water is subtracted from recycled system production.

^D Actual 2020 demand includes 10,019 AFY potable demand, 739 AFY recycled demand, and 285 AFY El Estero process demand.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Police Department Update

RECOMMENDATION:

That Council receive an oral presentation from Police Chief Lori Luhnnow and Police Staff regarding the Santa Barbara Police Department.

DISCUSSION:

As requested by the City Administrator, Mayor, and City Council, Police Chief Lori Luhnnow and Staff will provide an oral presentation regarding the status of the Police Department and its operations.

This presentation is part of a series of updates and occur on a periodic basis. Topics that will be covered include crime statistics, recruitment efforts, highlights and projects.

PREPARED BY: Lori Luhnnow, Police Chief

SUBMITTED BY: Lori Luhnnow, Police Chief

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Extension Of Ordinance No. 5984 Prohibiting The Conversion Of Senior Mobilehome Parks And Excessive Vacancy Rent Increases

RECOMMENDATION:

That Council adopt, by reading in full, and by a four-fifths vote, an Interim Urgency Ordinance of the Council of the City of Santa Barbara Extending Ordinance No. 5984 Prohibiting the Conversion of Senior Mobilehome Parks and Excessive Vacancy Rent Increases for 10 Months and 15 Days.

DISCUSSION:

On December 15, 2020, Council adopted Ordinance No. 5984 in order to temporarily prohibit conversion of senior mobilehome parks and mobilehome rent increases greater than 10% following a tenant vacancy. That Ordinance would expire in 45 days, on or about January 29, 2021. We recommend extending the Ordinance for 10 months and 15 days, or until December 14, 2021. The extension is necessary to enable staff the time to research and draft code amendments and to conduct civic engagement with affected park owners.

As directed by Ordinance No. 5984, on January 19, 2021, the City Administrator and City Attorney released a report describing the measures taken to alleviate the conditions which led to the adoption of the Ordinance. (Attachment)

ATTACHMENT(S): January 19, 2021 Report describing the measures taken to alleviate the conditions which led to the adoption of the Ordinance.

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

EFFECTIVE IMMEDIATELY UPON ADOPTION
BY FOUR-FIFTHS VOTE OF THE CITY COUNCIL

ORDINANCE NO. _____

AN INTERIM URGENCY ORDINANCE OF THE COUNCIL
OF THE CITY OF SANTA BARBARA EXTENDING
ORDINANCE NO. 5984 PROHIBITING THE CONVERSION
OF SENIOR MOBILEHOME PARKS AND EXCESSIVE
VACANCY RENT INCREASES FOR 10 MONTHS AND 15
DAYS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Findings and Determinations.

A. On December 15, 2020, the City Council adopted Ordinance No. 5984 for the reasons stated in the Ordinance and record of proceedings.

B. On January 19, 2021, the City Administrator and City Attorney issued a written report describing the measures taken to alleviate the conditions that led to the adoption of the Ordinance. The report indicated that the conditions warranting Ordinance No. 5984 remain in existence, thereby creating a current and immediate threat to the public health, safety, or welfare.

C. The City Council finds and determines that a current and immediate threat to the public health and welfare warrant extending Ordinance No. 5984 for 10 months and 15 days.

D. The City Council finds and determines that the conditions warranting Ordinance No. 5984 as an emergency measure under City Charter Section 511 remain, so that an extension of Ordinance No. 5984 for 10 months and 15 days is necessary for the immediate preservation of the public peace, health, safety and welfare.

E. The purposes of this interim urgency ordinance are to prevent the conversion of existing senior mobilehome parks to other uses and to prohibit excessive space rent increases when spaces become vacant.

F. This Ordinance is an interim urgency ordinance adopted as an urgency measure pursuant to Government Code Section 65858 and as an emergency measure under the City Charter Section 511, and is for the immediate preservation of the public peace, health, safety and welfare.

EFFECTIVE IMMEDIATELY UPON ADOPTION
BY FOUR-FIFTHS VOTE OF THE CITY COUNCIL

G. In addition, the City Council finds that, on the basis of the whole record and exercising its independent judgment, this Ordinance is not subject to environmental review pursuant to the State Guidelines for Implementation of the California Environmental Quality Act Sections 15060(c)(2) and 15060(c)(3) pertaining to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. This Ordinance has no potential for resulting in physical change to the environment directly or indirectly in that it prevents change to the environment pending the completion of the contemplated research and studies.

H. The City Council hereby declares that should any section, paragraph, sentence, phrase or term of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

SECTION 2. Interim Prohibitions Extended. Ordinance No. 5984 is extended for 10 months and 15 days following its expiration.

SECTION 3. Effective Date. This Ordinance shall take effect immediately upon reading in full as required by City Charter Section 511 and passage by a 4/5ths vote of the City Council in accordance with Government Code Section 65858.



**MEMORANDUM
OFFICE OF THE CITY ATTORNEY**

DATE: January 19, 2021

TO: Public File

FROM: Paul Casey, City Administrator
Ariel Pierre Calonne, City Attorney
*On Behalf of the City Council Pursuant to Ordinance No. 5984 and
Government Code Section 65858(d)*

SUBJECT: Flamingo Mobile Home Park Interim Urgency Actions

The memorandum is the legislative body's report pursuant to Government Code Section 65858(d) describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 5984.

These measures include:

1. The ownership group of the Flamingo Mobile Home Park has been notified of staff's recommendation to extend the urgency ordinance on January 26, 2021, for a period of 10 months and 15 days.
2. City staff have investigated complaints from residents of the Flamingo Mobile Home Park.
3. City Staff have begun to research policy and legal options related to senior overlay zoning and mobilehome rent control, including vacancy control issues.
4. City staff continue to respond to public records requests from the Flamingo Mobile Home Park ownership group.

APC/apc



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: Administrative Division, Public Works Department

SUBJECT: Update On Terms Of Community Workforce Agreement Negotiation
With Tri Counties Building And Construction Trades Council

RECOMMENDATION: That Council:

- A. Receive an update on terms of the City's Community Workforce Agreement currently under negotiation with the Tri Counties Building and Construction Trades Council; and
- B. Provide direction to staff on the outstanding terms related to local participation goals, number of core workers, benefit plans, and the exclusion of inspection and material testing.

DISCUSSION:

A Community Workforce Agreement is a collective bargaining agreement with labor organizations, also commonly referred to as a project labor agreement. The CWA establishes the terms and conditions of employment for construction projects. The CWA will apply to all contractors and subcontractors who bid on projects covered by the CWA. The CWA outlines the relationship of contractors to their employees and sets the hiring process.

CWAs generally include provisions for: uniform work conditions; hiring procedures, including allowances for a contractor's "core" workers; wages and benefits; management rights; expedited labor dispute resolution procedures; no-strike commitments and procedures to prevent work stoppages; and agreement to adhere to existing Master Labor Agreements for the trades subject to the CWA. In addition, CWAs often include provisions to promote participation in covered projects from targeted categories of workers, including local area residents, apprentices, historically under-utilized residents and businesses, at-risk persons, veterans, minority-owned businesses, and disadvantaged business enterprises.

On December 11, 2018, Council adopted Municipal Code § 4.52.200 directing project labor agreements for certain types of construction projects with an estimated construction cost of \$5 million or more. On March 19, 2019, Council authorized staff to execute

Council Agenda Report

Update On Terms of Community Workforce Agreement Negotiation With Tri-Counties Building And Construction Trades Council

January 26, 2021

Page 2

contracts for expert legal and technical support in the negotiation of a CWA with the Tri-County Building & Construction Trades Council (Trades Council), who will represent labor unions who will be signatory to the CWA. On August 6, 2019, City Council received an update from City staff and provided direction that allowed staff to begin negotiations with the Trades Council.

Staff has worked with the consultants to develop a CWA that is consistent other CWAs and with the City of Santa Barbara's objectives. Staff has negotiated terms of the CWA with the Trades Council and has tentatively reached agreement on most terms. Staff seeks direction on the remaining outstanding terms described in detail in this report.

Local Participation Goal

During discussions about this issue at the December 2018, March 2019, and August 6, 2019 Council meetings, Councilmembers expressed an interest in further enhancing opportunities for local residents in the local construction industry. CWAs typically contain a local hire goal. The CWA under negotiation contains a goal for the percentage of construction labor hours provided by area residents. A prior review of certified payroll reports from four completed projects showed that 75 percent of workers on the jobs are from the Tri-County area, with 35 percent from Santa Barbara County, 31 percent from Ventura County, and 9 percent from San Luis Obispo County. Staff has very recently updated this data to include two newer projects and to exclude projects with a construction cost less than \$5 million. The revised data for projects with a construction costs greater than \$5 million shows that the percentage of workers from the Tri-County area has been in the range of 55 to 60 percent.

Based on the prior data available, staff's latest proposed term for the CWA is to contain a local participation goal of at least 75 percent. The Trades Council has countered that proposal with a goal of 40 percent. Alternatively, since maximizing local participation is a goal of the CWA, but not a requirement, an exact number could be omitted.

Core Workers

CWAs also typically contain an allowance for contractors not currently working under a Master Labor Agreement (non-Union Contractor) to provide a specified number of its regular 'Core Workers' prior to Union referral of workers. Typically, an initial number of Core Workers can be supplied directly by a non-Union Contractor. Subsequently, an additional number of Core Workers can be supplied at a 1:1 ratio with Union referral of workers, with a not to exceed number of total Core Workers. Staff and the Trades Council have not reached agreement on the number of Core Workers that can be supplied by local, non-union contractors.

City staff have proposed that local, non-union contractors be able to supply 4 initial Core Workers and then 6 additional Core Workers for a total of up to 10 Core Workers. The Trades Council has countered the staff proposal with one that would allow local, non-

signatory contractors to supply 3 initial Core Workers and then 3 additional Core Workers for a total of up to 6 Core Workers.

Benefit Plans

CWAs typically require Contractors to pay contributions to the established employee benefit funds in the amounts designated in the appropriate Master Labor Agreement (MLA). Based on feedback from Council on August 6, 2019, City staff have proposed that Local Area Contractors who can demonstrate that their workers have been working for them for a defined period of time and that they provide employees with company paid health care and/or company paid retirement benefits roughly equivalent to the Union benefits shall be entitled to continue to make such payments on behalf of Local Area Resident Core Workers. The Trades Council has rejected this proposal and has countered this proposal by requiring all Contractors whether signatory to a MLA (Union Contractor) or not (non-Union Contractor) to pay into the benefit fund.

Construction Inspection & Material Testing

Construction projects typically require the use of inspection and/or material testing, and particularly for specialty inspection. When these services exceed the capacity and/or expertise of internal staff, the City of Santa Barbara has typically contracted for these services via third party professional service agreements. In order to maintain independence from the construction contract, the City staff proposal is for third-party specialty construction inspection and/or material testing services to be independent of the CWA. Construction contractor initiated construction inspection and/or material testing shall fall under the terms of the CWA. The Trades Council has rejected this proposal and would like for all construction inspection and material testing services to be included in the CWA.

NEXT STEPS:

Following direction from Council on the outstanding terms of agreement, staff will proceed with finalizing negotiations with the Trades Council. Staff would then prepare a draft of the CWA and return to Council for approval. Staff recommends that any time-critical eligible projects ready to advertise for construction prior to execution of the CWA be allowed to continue without delay.

BUDGET/FINANCIAL INFORMATION:

Implementation of individual projects under the CWA will require additional staff and/or consultant time. Specifically the CWA requires that the City provide a Community Workforce Coordinator to monitor compliance and assist with implementing and administering the CWA. The Community Workforce Coordinator role can be provided by staff or by contract.

ATTACHMENT): Memorandum


SUBMITTED BY: Brian D'Amour, City Engineer /asz

APPROVED BY: City Administrator's Office



MEMORANDUM

TO: Dan Hentschke, Assistant City Attorney

FROM: Michael J. Vlaming 

DATE: January 7, 2021

SUBJECT: Responses to Questions Regarding Referral Procedures and Effect of Benefit Contributions Under the Proposed Project Agreement

The purpose of this Memorandum is to provide responses to the following questions:

1. What is the process for a non-union worker to register and be dispatched from the union hiring hall?
2. How does the hiring hall determine that a non-union worker is qualified to be dispatched?
3. What is the economic effect on non-union workers if the City accepts the Trades' Project Labor Agreement (PLA) proposal for health and retirement benefits?

The responses to these questions are based on the current status of the negotiations on the project agreement and its provisions. Because the agreement is still being negotiated and final agreement has not been reached on all provisions, there may be changes made to the specific provisions relied upon to answer the questions presented. As such, the responses should be viewed as accurate under the current status of the language, but may not be so in the event the provisions change during negotiations.

1. What is the process for a non-union worker to register and be dispatched from the union hiring hall?

The referral provisions of the project agreement are found in Article 3, sections 3.3.1 and 3.3.2, of the proposed agreement and are presently drafted as follows:

3.3.1 For signatory Unions now having a job referral system contained in a MLA, the Contractor agrees to comply with such system and it shall be used exclusively by such Contractor, except as modified by this Agreement. Such job referral system will be operated in a nondiscriminatory manner and in full compliance with federal, state, and local laws and regulations which require equal employment opportunities and non-discrimination. All of the foregoing hiring procedures, including related practices affecting apprenticeship, shall be operated so as to consider the goals of the City to encourage employment of Local Area Residents and participation of Local Area Contractors on Project Work, including each separate contract for a Project, and to facilitate the ability of all Contractors to meet their employment needs.

3.3.2 The Unions will exert their best efforts to recruit and refer sufficient numbers of skilled craft workers to fulfill the labor requirements of the Contractor, including specific employment obligations to which the Contractor may be legally and/or contractually obligated; and to refer apprentices as requested to develop a larger, skilled workforce. The Unions will work with their affiliated regional and national unions, and jointly with the Community Workforce Coordinator and others designated by the City, to identify and refer competent craft persons as needed for Project Work, and to identify and hire individuals, giving preference to Local Area Residents, as set forth in this Agreement, for entrance into approved apprenticeship programs, or participation in other identified programs and procedures to assist individuals in qualifying and becoming eligible for such apprenticeship programs, all maintained to increase the available supply of skilled craft personnel for Project Work to be undertaken by the City.

While each building trades union hiring hall has unique referral procedures, the general processes are substantially similar. In general, a non-union worker would register with the applicable union hiring hall and then have their name placed on the out of work list. Dispatching off the out of work list is generally chronologically based (i.e. the first to register on the list, the first to be dispatched) and referrals must be conducted in a non-discriminatory manner. The referral procedures may be modified under the terms of a collective bargaining agreement (“CBA”) to allow for priority dispatch (dispatch out of chronological order) of a person on the out of work list that complies with the provisions of the CBA. (Note that a Project Labor Agreement or Community Workforce Agreement is a type of CBA.) A worker is dispatched from the out of work list upon a request by a contractor that has access to the hiring hall through the referral procedures.

2. How does the hiring hall determine that a non-union worker is qualified to be dispatched?

Under the current status of proposed project labor agreement being negotiated, the qualifications that an employee of a non-union contractor must possess to be considered a “Core Worker” are contained in section 3.3.4 as follows:

- (a) Possess any license required by state or Federal law for the Project work to be performed;
- (b) Have worked at least two thousand (2,000) hours in the applicable trade or craft;
- (c) Have been employed by the Contractor for at least sixty (60) working days of the one hundred (100) working days immediately preceding the award of the Project Work to the Contractor;
- (d) Have continuously resided within either Tier 1 or Tier 2 contained in Appendix B to this Agreement for a period of at least six (6) months prior to the award of Project Work;
- (e) Have the ability to safely perform the basic functions of the applicable craft or trade.

If the worker meets the qualifications to be classified as a Core Worker for a particular contractor, then that worker would be dispatched to that contractor upon request as a priority dispatch, provided the contractor has not exhausted the allowable number of Core Workers to be employed on a project. In terms of process, the current provisions of the proposed agreement provide that one worker would be referred from the out of work list and then one qualified Core Worker requested by the contractor would be referred with the process continuing on a one-for-one basis until either no additional workers are requested or the maximum number of qualified Core Workers have been dispatched.

In general, the hiring hall representatives do not determine the qualifications of a worker on the out of work list—whether the individual is a member of the union or not. If the non-union worker seeks to be a Core Worker, the worker (or the employing contractor) would have to present satisfactory evidence of the requisite qualifications to establish them as a qualified Core Worker. Once the qualifications have been established, then the Core Worker would be dispatched to the requesting contractor.

3. What is the economic effect on non-union workers if the City accepts the Trades’ PLA proposal for health and retirement benefits?

The provisions of the proposed project labor agreement regarding benefit payments under the Building Trades proposal is contained in section 5.2.1 as follows:

5.2.1 Contractors shall pay contributions to the established employee benefit funds in the amounts designated in the appropriate MLA, and make all employee authorized deductions in the amounts designated in the appropriate MLA; provided, however, that such contributions shall not exceed the contribution amounts set forth in the applicable prevailing wage determination. Notwithstanding any other provision of this Agreement, Contractors directly signatory to one or more of the Master Labor Agreements are required to make all contributions set forth in those Master Labor Agreements without reference to the forgoing. Bona fide benefit plans with joint trustees or authorized employee deduction programs established or negotiated under the applicable MLA, or by the Parties to this Agreement during the life of this Agreement may be added.

If the Trades' PLA proposal for health and retirement benefits were accepted, contractors performing work under the PLA would pay the prevailing rate for the wages and would contribute the hourly amounts contained in the applicable prevailing wage determination to the appropriate health and welfare and retirement funds on behalf of their workers performing work on a project covered by the PLA. The contributions made by the contractor would be credited to the individual workers account for health and welfare benefits and retirement benefits and the workers would be entitled to health care benefits and retirement benefits based on the particular qualification and benefit provisions of the respective plans.

The specific economic effect on a non-union worker would vary based upon the benefits provided or not provided by their employer. Under the prevailing wage laws, the worker is entitled to the published prevailing hourly rate of wages and benefits applicable to their classification of work. In general, if there were no eligible off-sets for the cost of benefits for the non-union worker, the total prevailing hourly rate would be paid as wages to the worker (with the exception of the amount of the hourly contribution designated for apprentice training contained in the applicable prevailing wage determination). (*See California Labor Code section 1777.5(m)(1)*). If there were eligible health and retirement benefit costs being made by the employer on behalf of the employee, then, under the under prevailing wage laws, these could be deducted from the amount of the total prevailing wage determination less the apprentice contribution with the balance paid as wages to the worker. (*See California Labor Code section 1773.1*). The cost of any health and welfare or retirement benefit desired by the worker not provided by the employer would be paid directly by the worker from their wages.

Similar to the effect on a non-union worker workers, the specific economic effect on the non-signatory contractor would vary based on the health and retirement benefits paid by such employer on behalf of their construction craft employees. Under the Building Trades PLA proposal, the non-signatory employer would be required to make the hourly contributions to the applicable fringe benefit funds. If, as a business practice, the non-signatory employer did not pay for any health or retirement benefit on behalf of their construction craft employees, then there would be

no economic impact to such employer based on the Trades PLA proposal. The employer would pay the wage rate and would make the fringe benefit contributions as called for in the applicable prevailing wage determination. If the non-signatory employer did pay all or a portion the construction craft employee's health benefit premium and or retirement benefit (this does not include any employee paid portion for such benefits), then there may be a potential additional cost associated with such health and/or retirement benefit payments where the employer continued to make payments to its company sponsored plans on behalf of the employee. In the case of the health benefits, there is potential mitigation where the employer can stop the employee's company provided health benefit for the period the employee is working on a project covered by the PLA and use the union health and welfare fund provided benefits and then switch back to the company plan at the end the employer's work on the project. The same potential mitigation may be available for the employer's contributions to a company retirement benefit plan where its plan provisions permit. In this analysis, it is important to distinguish between an employer contribution to a company benefit plan made on behalf of the construction craft employee and a contribution or payment made to such plan by the employee as either a benefit plan requirement or discretionary payment.

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2020

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Planning Commission's Approval Of A Coastal Development Permit For Bicycle Share Stations In The Coastal Zone

RECOMMENDATION: That Council:

- A. Consider the appeal of Anna Marie Gott of the Planning Commission's approval of a Coastal Development Permit for Bicycle Share Stations in the Coastal Zone; and
- B. Deny the appeal and make the necessary findings, including findings required by Sections 15301 and 15300.2 of the CEQA Guidelines, to uphold the Planning Commission's decision to approve a programmatic Coastal Development Permit for bike share docks and three registration kiosks in the Coastal Zone.

EXECUTIVE SUMMARY:

On November 19, 2020, the Planning Commission approved the application for a programmatic Coastal Development Permit (CDP) to install bike share docks and three registration kiosks in the Appealable and Non-Appealable jurisdiction of the City's Coastal Zone as part of the City's Bicycle Share Pilot Program. The Planning Commission's approval of a programmatic CDP gives City staff and the permitted bike share operator, BCycle, the flexibility to add and remove bike share docks within the Coastal Zone based on ridership demand.

On November 30, 2020, Anna Marie Gott, filed an appeal of the Planning Commission's approval, asserting that the project conflicts and is not consistent with the requirements of the Coastal Act, the City's Certified Local Coastal Program, and all applicable implementing guidelines (Attachment 1 – Appellant Letter).

DISCUSSION:

Project Description

In partnership with the City's permitted bike share operator, BCycle, City staff is seeking to install bike share stations (groupings of docks and/or kiosks) as part of the City's Bicycle Share Pilot Program. The bike share system, when complete, would involve the installation of approximately 500 docks City-wide that serve a fleet of approximately 250 pedal-assist electric bikes. The installation of bike share stations in the Downtown and Waterfront neighborhoods, some of which are located in the Coastal Zone, would establish the "core" of the bike share system, which would then expand to other neighborhoods as demand and usage increase (Attachment 2 – Project Plans). The portion of the project located in the Coastal Zone requires a Coastal Development Permit (CDP) to install the bike share stations. This CDP has been proposed as a programmatic CDP in order to allow flexibility in location based on ridership demand.

Background

Bike share implementation is referenced in the General Plan and has been a community-requested public service for several years. In May 2019, City Council directed City staff to move forward with development of a Bicycle Share Pilot Program, and to allow a permitted operator to provide self-service rental bikes in the City of Santa Barbara for a maximum of three years. In December 2019, BCycle was selected and issued a permit for operation in the City of Santa Barbara.

During August and September 2020, staff presented the bike share docking system to the Architectural Board of Review (ABR) and the Historic Landmarks Commission (HLC). The ABR granted Project Design Approval and Final Approval on August 24, 2020. Staff presented the project to HLC on August 5, 2020, September 3, 2020, and September 16, 2020, at which point the HLC denied approval of the bike share docking system.

In response to feedback from the HLC, staff returned to City Council on October 20, 2020, with a temporary approach for docking locations along the State Street Promenade. Council supported staff's recommendation to implement bike share docks temporarily along the Promenade, and agreed that the timeline for the docks and development of the Bicycle Share Pilot Program (a three-year duration) should dovetail with the timeline for the Interim phase of the State Street Promenade. In addition, given the temporary nature of the pilot program, Council found that public interest in the program supersedes the need for HLC review of the bike share stations during the pilot period. At the end of the three-year pilot period, and after additional information has been obtained through the development and monitoring of the program, a more permanent program design would require HLC review and approval.

On November 19, 2020, the Planning Commission reviewed the request for a programmatic CDP to install bike share docks within the appealable and non-appealable jurisdictions of the Coastal Zone. Ten example locations were presented to the Planning Commission, nearly all of which fall within the public right-of-way, except for two sites on City Waterfront-owned property. In addition to the bike docks, kiosks were proposed,

which allow the public to sign up for the program. The Planning Commission voted 4/2 to approve the CDP to allow the pilot project, with amended Conditions of Approval. A new CDP would be required at the end of the pilot program (three years) if the City determines the program should become permanent.

Appeal Issues

On November 30, 2020, Anna Marie Gott filed an appeal of the Planning Commission's approval of the CDP, asserting that the project conflicts with and is not consistent with the requirements of the Coastal Act, the City's Certified Local Coastal Program, and all applicable implementing guidelines within the General Plan and Municipal Code (Attachment 1 – Appellant Letter). Specific appeal issues and responses are identified below.

1. *City Council's decision to prohibit HLC review of the project for locations in El Pueblo Viejo Landmark District (EPV) is inconsistent with the City's certified LUP policies.*

On October 20, 2020, the City Council voted unanimously that the public interest does not require review by the HLC of bicycle docking stations during the three-year duration of the pilot program. Section 817 of the City Charter leaves to the City Council's discretion whether or not review by the HLC is necessary. In addition, Santa Barbara Municipal Code (SBMC) §22.22.140.B states that review by the HLC is required unless City Council deems that said review would not be in the public interest. The appellant references Coastal Land Use Plan (LUP) Policy 1.2-2, which is not applicable, as it pertains to policy conflicts within the Coastal LUP, not the City Charter or Municipal Code. In addition, LUP Policy 1.2-6 is referenced, which states that policies of the Coastal LUP shall take precedence over policies in the City's General Plan. Council's decision to waive HLC review is irrelevant to the CDP, as the Planning Commission must make its own findings related to visual resources and aesthetics in accordance with LUP policies 4.3-5 and 4.3-6, which require development to be sited and designed to avoid impacts on scenic resources and public scenic views and to be visually compatible with surrounding development. The Planning Commission was able to make the required findings, with added conditions, in approving the CDP.

2. *The project is inconsistent with policies of the California Coastal Act, all applicable policies of the City's Local Coastal Plan, and all implementing guidelines within the General Plan and Municipal Code.*

As the project requires a CDP, the project must be found consistent with the California Coastal Act and the City's Local Coastal Program (LCP), which implements the California Coastal Act. The Planning Commission staff report, dated November 12, 2020 (Attachment 3), included consistency analysis with the LCP and California Coastal Act. Specifically, the project is consistent with Coastal LUP Policy 3.1-7 to "encourage use of sustainable transportation (i.e., pedestrian, bicycle, and transit) to the shoreline, along the coast, and throughout the Coastal Zone" and Policy 3.1-27 which provides the example of "[i]mproving and providing additional bicycling and walking routes and facilities such as public bicycle racks and lockers for bicyclists and seating and resting areas for pedestrians." The project is consistent with Coastal Act

Policy, per Public Resources Code §30250, as the project is within entirely developed areas, and per Public Resources Code §30251, as the proposal consists of minimal infrastructure and therefore would be visually compatible with the character of the area and would not significantly impact views to or along the ocean or scenic coastal areas (Attachment 4 – Applicable Local Coastal Program and Coastal Act Policies). The Planning Commission added conditions of approval to ensure consistency with this policy (Attachment 5 – Planning Commission Minutes and Resolution). Additionally, the project is consistent with LUP and Coastal Act policies to provide recreational opportunities for the public.

3. *The Planning Commission did not evaluate each site in the CDP.*

Staff requested a programmatic CDP for the pilot program to allow for flexibility in the installation, removal, and relocation of bike stations based on ridership demand as the bike share system fluctuates. Ten example locations were presented to the Planning Commission, nearly all within the public right-of-way, except for two locations on City Waterfront-owned property. The Planning Commission evaluated the locations presented, offered feedback on some of those specific locations, and provided general guidance in the form of revised conditions of approval for the location of bike docks and kiosks.

4. *The Planning Commission could not properly evaluate unknown bike station locations.*

Determining locations of bike docks requires assessing potential consumer demand. Once installed, and for the success of the pilot program, BCycle needs the ability to adjust, add, or subtract locations based on the real bike share system demand. The Planning Commission approved the programmatic CDP, allowing for location flexibility, subject to conditions of approval that affect future locations.

All locations would comply with the City's Access and Parking Design Standards and Bicycle and Pedestrian Master Plans. None of the locations would be located within sensitive habitat or biologically sensitive areas, as specified in the conditions of approval (Attachment 5 – Planning Commission Minutes and Resolution).

5. *The Planning Commission did not ensure that a Design Review body would evaluate and approve each site.*

The three-year pilot project was reviewed and granted approval by the Architectural Board of Review on August 24, 2020, for locations outside of El Pueblo Viejo Landmark District. At the time of the approval, the ABR found that the Compatibility Analysis Criteria were generally met, and cited that the "colors and profiles are clean and well built in appearance and fit in with the Downtown area, and the scale of the bike racks is appropriate and minimal in size." As discussed in the first appeal point, City Council determined that HLC review is not required for the three-year period of the pilot program.

6. *The Planning Commission did not ensure public scenic views and resources or public corridors were preserved, enhanced, protected, or identified.*

The appellant contends that the project was evaluated without site-specific visuals illustrating the bike share docks, with signs, in real world conditions. The plans provided to the Planning Commission included specifications and visuals of the bike share docks and kiosks.

The Planning Commission included conditions of approval specific to the protection of the City's scenic and public views, such as limiting the type of kiosk to only the approximately nine-foot-tall registration kiosk, limiting the number of kiosks within the Coastal Zone to three, and strategically spacing kiosk sites along Cabrillo Boulevard with one at each location within East Beach area, central Cabrillo Boulevard near State Street, and West Beach area. The Planning Commission also required that docking stations be installed on the mountain side of Cabrillo Boulevard where possible, and that no kiosks be installed on the ocean side of Cabrillo Boulevard. In addition, the Planning Commission conditioned that the kiosks shall be installed as discretely as possible. In adding these conditions, Planning Commission was essentially implementing LUP policy 4.3-29, which allows for project alternatives that result in the fewest adverse impacts to public scenic views of scenic resources. Planning Commission agreed with staff's analysis that the proposal consists of minimal infrastructure and would therefore be visually compatible with the character of the area and would not significantly impact views of, or along, the ocean or scenic coastal areas, consistent with Coastal Act and LUP Policies.

7. *The Planning Commission did not ask to see visuals of other operating bike share programs, or attempt to re-site locations in order to avoid potential visual blight.*

There is no requirement that Planning Commission request to see visuals of other operating bike share programs. The Planning Commission did review each of the example locations presented, and accepted that location flexibility is needed for the pilot program, given that it depends on ridership demand. In addition, the Planning Commission required the relocation of one of the example locations, and revised conditions of approval included restrictions that impact future locations. The primary concern noted within this appeal point is related to the bike share docks being visible. As this is a pilot program, visibility of the docks is critical to potential success; however, as noted in other appeal points, the Planning Commission included restrictions within their approval to minimize installations on the ocean side of Cabrillo Boulevard.

The appellant additionally cites two LUP policies related to screening and landscaping, which are not applicable, as this project involves only installation of prefabricated bike share docks and kiosks.

8. *The Planning Commission did not condition its approval on the review and approval of each site by the Harbor Commission prior to Design Review and Approval by the HLC.*

The Waterfront Department is supportive of the Bicycle Share Pilot Program, as it will provide a clean transportation alternative linking popular destinations to other key areas in the city, and increases coastal access for residents and tourists alike. Initial site locations identified in the Harbor vicinity were vetted with Waterfront staff. Future

siting decisions at the Harbor during the pilot program would require approval by the Waterfront Director.

The appellant additionally cites that the project is inconsistent with LUP Policy 2.2-18. However, the project meets criteria C of policy 2.2-18: "Provide recreational and visitor-serving opportunities for the enjoyment of the general public." The project involves infrastructure that encourages recreational and general public-serving opportunities by way of sustainable active transportation within the regional bicycling network, and access to shoreline and coast.

9. *The Planning Commission denied due process rights of the public, property owners and residents as the programmatic CDP allows for the installation of bike docks, kiosks, and signage at unknown locations in the Coastal Zone.*

The appellant contends that the public is denied due process as the programmatic CDP allows for installation of the bike share docks at unknown locations in the Coastal Zone. As the project involves the Coastal Zone in its entirety (including the Mesa and Coast Village Road area), a display ad was published, and a mailed notice was sent to interested parties and neighborhood groups/organizations. Per the City's Zoning Ordinance, when a notice must otherwise be sent to more than 1,000 owners, the City may provide a display advertisement in the newspaper in lieu of mailed notice. All bike share docks would be installed within City-owned property or right-of-way.

10. *The Planning Commission approved the CDP without a mailed notice.*

As noted above, a display ad was published for the project and interested parties and groups were sent a mailed notice, consistent with city and California Government Code noticing requirements.

11. *The Planning Commission decision is counter to the General Plan Environmental Resources Element.*

The appellant contends that the Planning Commission approved the CDP counter to the General Plan's Environmental Resources Element. The General Plan is not part of the implementation plan for the LCP, and is not relevant to Planning Commission's review of the CDP.

12. *The programmatic CDP does not require future public hearings of currently unknown stations locations.*

The programmatic CDP gives the City and the permitted bike share operator, BCycle, the flexibility to add and remove bike share docks and kiosks within the Coastal Zone based on ridership demand. Subject to the conditions of approval for the CDP, the permit life sunsets at the end of the three-year period of the pilot program. Future hearings would be required for a permanent program, provided that the pilot program proves effective and City Council directs a permanent program to be implemented.

STANDARD FOR REVIEW:

Coastal Development Permit

If the City Council chooses to uphold the Planning Commission's approval of the project and deny the appeal, staff recommends making the following findings:

1. The project is consistent with the policies of the California Coastal Act, because it provides sustainable active transportation options that can enhance connectivity to the regional bicycling network and increase access to the shoreline and coast, as described in Section VI and VIII of the Planning Commission Staff Report dated November 12, 2020.
2. The project is consistent with all applicable policies of the City's Coastal Land Use Plan, all applicable implementing guidelines, and all applicable provisions of the Code, because the project encourages sustainable transportation and enhances bicycling and sustainable coastal access throughout the coastal zone, as described in Section VII of the Planning Commission Staff Report dated November 12, 2020.

The Planning Commission Resolution (Attachment 5) outlines the Planning Commission's findings in support of the CDP.

If City Council cannot make the above findings then Council may uphold the appeal and state the reasons why the findings cannot be made.

Environmental Review

The bike share docking stations qualify for an exemption under the California Environmental Quality Act (CEQA) per Guidelines Section 15301 Existing Facilities, which allows for the operation, repair, maintenance, permitting, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Section 15301 (c) identifies existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes as examples of appropriate improvements that can qualify for this exemption.

Additionally, the project would not result in any cumulative impacts, have any significant effects, result in damage to scenic resources, or be located on a hazardous waste site; therefore, none of the exceptions (per Guidelines Section 15300.2) to use of a categorical exemption apply to the project.

If City Council upholds the appeal and denies the project, then CEQA findings are not required pursuant to CEQA Guidelines Section 15270 (Projects Which Are Disapproved).

BUDGET/FINANCIAL INFORMATION:

Bike share operation and docking infrastructure is the responsibility of BCycle. Operator fees set by the City are intended to offset management costs, but not costs associated with aesthetic changes. At the end of the three-year pilot program period, the fees and required City resources to continue the program will be re-evaluated.

SUSTAINABILITY IMPACT:

As mentioned in the Circulation Element, an effective bike share program can increase personal mobility, potentially reduce air pollution and greenhouse gas emissions, reduce parking demand, and decrease the overall cost of transportation to individuals. It may help in the City's sustainability goals of emissions and traffic congestion reductions.

ATTACHMENT(S):

1. Appellant Letter, Dated November 30, 2020
2. Project Plans
3. Planning Commission Staff Report, Dated November 12, 2020
4. Applicable Local Coastal Program and Coastal Act Policies
5. Planning Commission Minutes and Resolution, Dated November 19, 2020
6. Appellant Letter, Dated January 26, 2021

PREPARED BY: Pilar Plummer, Assistant Planner

SUBMITTED BY: Rebecca Bjork, Interim Community Development Director

APPROVED BY: City Administrator's Office

November 30, 2020

City Clerk – VIA EMAIL
City of Santa Barbara
735 Anacapa
Santa Barbara, CA 93101

RE: Appeal of Bicycle Share Stations in the Coastal Zone: PLN2020-0547/ CDP2020-00017

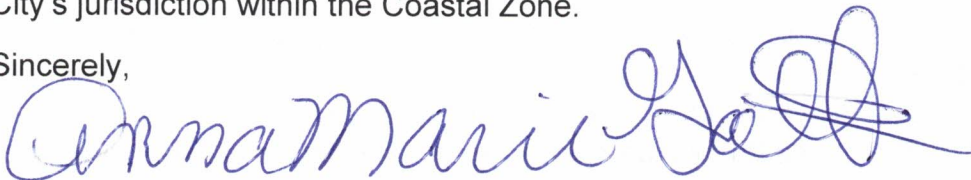
To Whom It May Concern:

I am appealing the Planning Commission's (PCs) November 19, 2020 decision to grant a Coastal Development Permit (CDP) (CDP2020-00017) for the Bicycle Share Stations in the Coastal Zone (PLN2020-0547) which will be operated by BCycle.

Portions of the project are within the appealable and non-appealable jurisdictions of the Coastal Commission. I am appealing the approval of the project's CDP on coastal issues. The appeal fee should be \$0.00.

Specifically, the approval of the CDP conflicts with and is not consistent with the requirements of the Coastal Act and the City's Certified Local Coastal Program (LUP and Title 28), all applicable implementing guidelines (i.e. General Plan and Design Guidelines), and all applicable provisions of the Code. - Together the LUP and Title 28 serve as the standard of review for CDPs under the City's jurisdiction within the Coastal Zone.

Sincerely,

A handwritten signature in blue ink that reads "Anna Marie Gott". The signature is fluid and cursive, with a large, stylized initial "A" and "G".

Anna Marie Gott

November 30, 2020

RE: Appeal of Bicycle Share Stations in the Coastal Zone
PLN2020-0547/ CDP2020-00017

Madam Mayor and Councilmembers:

On November 19, 2020 City staff sought and received approval from the Planning Commission (PC) for a Coastal Development Permit (CDP) for BCycle's Bicycle Share Stations in the Coastal Zone (Exhibit A). The CDP was sought for the development of a new 100% electric bike share program that BCycle will operate in the City. It will initially launch with a fleet of 250 electric bikes and has a permit for 500 bike docks (150-200 bike docks are permitted in the Coastal Zone) with an unknown number of bike stations, kiosks and signs (Exhibit - B). There are 10 proposed sites in the Coastal Zone at this time (Exhibit C). Rates are: \$7 per 30 minutes for non-members, monthly and annual memberships are \$30 and \$150 respectively (Exhibit D). There would be no public review or approvals required by the appropriate Design Board or the PC for additional bike stations in the Coastal Zone, the approved CDP allows City staff to issue CDPs without any public review or the approval of any Design Board or the PC for all future sites. - Cliff Drive, Shoreline Park, Santa Barbara City College, Coast Village Road and Hendry's Beach are all in the Coastal Zone and locations in these areas were not discussed. The sites the purview of the Historic Landmarks Commission (HLC) outside of the Downtown and in the Coastal Zone were also not discussed.

I am appealing the PC's approval of the CDP on coastal grounds. Specifically, the CDP is inconsistent with the requirements of the Coastal Act, the Design Guidelines, General Plan and the City's Certified Local Coastal Program (LCP), which includes the Coastal Land Use Plan (LUP), and the Implementation Plan (Title 28), which is the Coastal Overlay Zone in the municipal code.

Additionally, I question the statement by City staff that the project "*qualifies*" for a California Environmental Quality Act (CEQA) categorical exemption. First, the applicant has not supplied enough information about the initial locations to determine if any particular site qualifies for a categorical exemption. The visuals presented did not adequately address scenic view corridors, iconic public views or historical resources. Second, a "blanket approval" that allows City staff to issue CDPs without a public hearing or review by a Design Review Board means that a CEQA categorical exemption cannot be issued. Why? No information has been provided about the unknown sites in order for the PC determine if a CEQA categorical exemption can be issued.

The Conditions of Approval are also insufficient to prevent visual blight from an unlimited number of bike docks at dock stations, protect residents, who need to socially distance on crowded sidewalks during a pandemic, and small business owners whose businesses will be directly affected when the bike share program begins operating – at ~50% of the hourly cost they charge, and rent free in prime locations in the public right of way and on City-owned property.

CDPs are site specific and are not issued for unknown sites. The Coastal Commission has waived CDPs for bike share programs in other coastal cities, but these locations were reviewed by the California Department of Parks and Recreation and other Design Review Boards and were site specific (Exhibit E. (It should be noted that if a location changed the CDP was terminated.) CDPs were also issued for site locations that were on the street in front of “red curbs” and not on narrow sidewalks, in Historic Districts, near Landmarks, Structures of Merit or buildings on the State or National Registry or during a pandemic. They also did not block scenic or public views or view corridors. Issuing a “blanket approval” or a “Trust Us We Won’t Screw Things Up” CDP is a recipe for disaster as I will later detail.

It was made apparent during the PC, HLC and ABR hearings that City staff had **not** done its basic due-diligence to determine if site locations were appropriate or not (Exhibit F). For example:

- Previously permitted amenities (i.e. benches) that were required and permitted for development would be permanently displaced with bike stations.
 - The Hotel California project had 25 benches approved with the development in 2013 by the HLC. The majority of these benches (>20) have been removed without the HLC’s approval. This proposed project would permanently displace the permitted benches if the bike stations were permitted at the Harbor Tree Inn (North) or Goat Tree. – It should be noted that of the 154 benches permitted on State Street, and at this location roughly 43 benches remained available for socializing or sitting as of 2019.
- Some bike station sites were entirely inappropriate to site a bike station:
 - There were two different bike station sites proposed at the Los Banos Del Mar Pool which is on the National Register of Historic Places. The site proposed to the ABR would have displaced picnic benches while the site proposed to the PC would have sited a bike station directly under trees where sea birds’ nest and block iconic views of the harbor from a scenic view corridor. Additionally, the noxious excrement released by the sea birds is apparent at the site and well known. – This site was removed by the PC.
 - Ambassador Park, which is located across from Cabrillo Boulevard and lined with palm trees on either side of a large lawn, has sweeping views of the beach. A bike station was proposed directly in front of it at the ABR. – This site was somehow found to be approvable by the ABR but not proposed to the PC. – The visuals provided to the ABR were insufficient to provide the ABR with enough information to make a decision on compatibility or scenic or public views. This site was removed prior to the PC hearing.
 - Siting a bike station in the street using the bus turnout on State Street at the Amtrack station would ensure that the Waterfront Shuttle, and those that use the turnout to drop off or pick up passengers, would no longer be able to use this location. It is inappropriate to remove public facilities designed for buses like this through a CDP which is permanent.
 - Siting a bike station at the harbor would block the scenic and iconic views of the harbor from the pedestrian and bike route directly adjacent to it. Additionally, the bike station is permitted up to 6ft x 60ft which could easily exceed more than 20 bikes.

When residents proposed having the bike stations permitted in public parking lots we were told that parking lots are for cars and not bicycles. Further, we were told that removing parking places would be difficult and may not be allowed by the LUP or Coastal Commission. This was said despite the fact that the City's *Access & Parking Design Standards* (Exhibit G) require bike parking in parking lots and that the LUP permits the removal of parking space in Key Public Access Parking locations. LUP Policy 3.1-30 states that removing parking "*shall only be allowed if the restriction or reduction does not result in a significant adverse impact to public access to the shoreline and coastal recreation areas.*" - When you consider that the removal of a few parking spaces in public parking lots for bike stations and "enrollment" kiosks would preserve the iconic scenic and public views of Cabrillo Blvd, the Harbor, or State Street, while reducing the number of vehicles, when people choose bikes over cars, the loss of parking would be appropriate under the LUP and Title 28.

It should be pointed out that sidewalks were created for pedestrians, not bike stations with large numbers of bike docks, signs or kiosks. Additionally, it should be noted that the sites permitted by the CDP illustrate that bike docks would be perpendicular to the street which could substantially increase the number of bikes on sidewalks at some locations when you consider how bike stations are set up in other cities (Exhibit H) - The Conditions of Approval do not place any limits on the number of bike docks at locations or state how bike docks would be configured.

The approval granted is **precedent setting** and violates not only the City Charter and General Plan but is inconsistent with the requirements of the Coastal Act, and the City's LCP which includes the LUP and Title 28.

I am appealing this approval of this CDP on the following grounds:

- On October 20, 2020 the City Council voted unanimously to prohibit the HLC from reviewing this project in the parts of the Coastal Zone which are in the El Pueblo Viejo Landmark District (EPV) (Exhibit I), or near parcels with a Historical Structure or a Structure of Merit. The City Council made the finding: "*...that the public interest does not require review by the Historic Landmarks Commission of bicycle docking systems during the three year bicycle share pilot program.*" This approval is **inconsistent** with the City's certified LUP policies below:
 - **Policy 1.2-2 Resolution of Policy Conflicts.** Where policies within the Coastal LUP overlap, the policy which is most protective of resources, i.e., land, water, air, etc., shall take precedence; and
 - **Policy 1.2-6 Relationship with General Plan.** Where there are conflicts between the policies set forth in the Coastal LUP and those set forth in any other element in the City's General Plan or regulations, the policies of the Coastal LUP shall take precedence
- On November 19, 2020 the PC improperly approved the CDP. The Findings to approve the CDP could not be made under SBMC 28.44.150 because the project is:
 - **Inconsistent** with the policies of the California Coastal Act; and
 - **Inconsistent** with all applicable policies of the City's Local Coastal Plan (LUP and Title 28), all applicable implementing guidelines (General Plan and Design Guidelines), and all applicable provisions of the Code (municipal code).
- The PC did not properly evaluate each site in the proposed CDP. The City staff report and the applicants power point lacked all of the necessary information and visuals for each

proposed site which means the site could not meet the requirements of the CEQA categorical exemption and that the approval of the sites or their categorical exemption are:

- **Inconsistent** with the policies of the California Coastal Act; and
- **Inconsistent** with all applicable policies of the City's Local Coastal Plan (LUP and Title 28), all applicable implementing guidelines (General Plan and Design Guidelines), and all applicable provisions of the Code (municipal code).
- The PC could not properly evaluate unknown bike station sites which the PC approved under the CDP. The staff report lacked all of the necessary information and visuals for each site unknown to BCycle, City staff and the PC which means the site could not meet the requirements of the CEQA categorical exemption and that the approval of the unknown sites or their categorical exemption are:
 - **Inconsistent** with the policies of the California Coastal Act; and
 - **Inconsistent** with all applicable policies of the City's Local Coastal Plan (LUP and Title 28), all applicable implementing guidelines (General Plan and Design Guidelines), and all applicable provisions of the Code (municipal code).
- The PC did not properly evaluate the project. It failed to ensure that a Design Review Body would evaluate and approve each site or its construction, that basic visual requirements or evaluations were completed properly, it did not protect or enhance the City's scenic and public views, nor did it protect the city's historic resources as required. The approval of the CDP was inconsistent with the Coastal Act, Local Coastal Plan, it did not meet the requirements of Design Guidelines, the General Plan or the municipal code. The approval of the CDP was inconsistent with the following LUP policies:
 - **Policy 4.3-3** Design Review. Development in the Coastal Zone shall be reviewed by the Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board in accordance with established rules and procedures, as applicable. If any of the rules, procedures, or actions of these design review boards/commissions conflict with the policies of the Coastal LUP, the policies of the Coastal LUP shall take precedence.
 - **Policy 4.3-7** Compatible Development. Development shall be sited and designed to be visually compatible with the character of surrounding areas and where appropriate, protect the unique characteristics of areas that are popular visitor destination points for recreational uses.
 - **Policy 4.3-4** Visual Evaluation Requirement. A site-specific visual evaluation shall be required for new development and substantial redevelopment that has the potential to impact scenic resources or public scenic views. The visual evaluation shall be used to evaluate the magnitude and significance of changes in appearance of scenic resources or public scenic views as a result of development.
 - **Policy 4.3-29** Visual Evaluation Requirement. Site-specific visual evaluations shall include an analysis of all feasible siting or design alternatives that would minimize significant impacts to public scenic views of scenic resources. The alternatives analysis shall identify through such means as visual simulations, three-dimensional massing models, perspective drawings, rendered streetscape elevations, and/or story poles and flagging. If there is no feasible alternative to avoid impacts to public scenic views of scenic resources, then the alternative that would result in the least

adverse impacts to public scenic views of scenic resources that would not result in additional adverse impacts to other coastal resources shall be required.

- **Policy 4.3-8** Mitigating Impacts to Visual Resources. Avoidance of impacts to visual resources through site selection and design alternatives, if feasible, is the preferred method over landscape screening. Landscape screening, as mitigation of visual impacts, shall not substitute for project alternatives including re-siting, or reducing the height or bulk of structures. When landscaping is required to screen the development, it shall be maintained for the life of the development for that purpose.
- The PC did not ensure that the public scenic views and resources or public corridors were: preserved, enhanced, protected or identified (Exhibit J). It also the project was evaluated without site specific visuals illustrating the bike stations, with signs, in real world conditions. Instead, empty bike stations without signs in small groupings were shown, and the Conditions of Approval included no limits on the number of bike docks at bike stations, and the dimensions or position of signs to prevent visual blight was not discussed. The approval of the CDP was inconsistent with the Coastal Act, Local Coastal Plan, it did not meet the requirements of Design Guidelines, the General Plan or the municipal code. The approval of the CDP was inconsistent with the LUP policies and the policies in the Environmental Resources Element below:
 - **Policy 4.3-5** Protection of Scenic Resources and Public Scenic Views. Development shall be sited and designed to avoid impacts to scenic resources and public scenic views. If there is no feasible alternative that can avoid impacts to scenic resources or public scenic views, then the alternative that would result in the least adverse impact to scenic resources and public scenic views that would not result in additional adverse impacts to other coastal resources shall be required. Methods to mitigate impacts could include, but not be limited to: siting development in the least visible portion of the site, managing building orientation, breaking up the mass of new structures, designing structures to blend into the natural setting, restricting the building maximum size, reducing maximum height standards, clustering building sites and development, requiring a view corridor, eliminating accessory structures not requisite to the primary use, minimizing grading, minimizing removal of native vegetation, incorporating landscape elements or screening, incorporating additional or increased setbacks, stepping the height of buildings so that the heights of building elements are lower closer to public viewing areas and increase with distance from the public viewing area. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to visual resources, public scenic views, or public viewing areas.
 - **Policy 4.3-17** Scenic Highways and Corridors. Preserve, protect, and, where feasible, enhance the visual qualities of potential and designated scenic highways and corridors.
 - **Policy 4.3-22** Signs. Signs shall be designed and located to minimize impacts to scenic resources and public scenic views. Signs approved as part of commercial development shall be incorporated into the design of the project and shall be subject to height and area limitations that ensure that signs are visually compatible with surrounding areas and protect public scenic views.
 - **Policy 4.3-23** Sign Placement. Placement of signs other than traffic or public safety signs, utilities, or other accessory equipment that obstruct public scenic views to the

ocean, beaches, parks, or other scenic resources from public viewing areas and scenic roads shall be prohibited.

- **ER30.** Enhance Visual Quality. Not only retain, but improve visual quality of the city wherever practicable.
- **ER29.** Visual Resources Protection. New development or redevelopment shall preserve or enhance important public views and viewpoints for public enjoyment, where such protection would not preclude reasonable development of a property.

- **Possible Implementation Actions to be Considered**

- **ER29.1** Document Public Views. Conduct a study to identify and document important public views of the ocean, the mountains or other highly-valued views, establish a list of important public view points, and provide a photo record. Prepare related development standards to protect the views seen from the public view points.
- **ER29.2** Evaluation Criteria. In evaluating public scenic views and development impacts at a particular location, the City shall consider:
 - a. The importance of the existing view (i.e., whether a view contains one or more important visual resources, has scenic qualities, and is viewed from a heavily used public viewpoint, such as public gathering area, major public transportation corridor or area of intensive pedestrian and bicycle use);
 - b. Whether a proposed change in the existing view would be individually or cumulatively significant (i.e., substantially degrade or obstruct existing important public scenic views, or impair the visual context of the Waterfront area or designated historic resource);
 - c. Whether changes in the proposed action could be avoided or adequately reduced through project design changes (such as site lay-out, building design, and landscape design).
- **ER29.5** Scenic View Protection. Further protect public scenic views of the coast, hillsides, open spaces, creeks and historic resources by incorporating visual guidelines as part of project design guidelines and environmental review guidelines.
- **Policy 4.3-27** Public Scenic Views and Scenic Resources Identification. Public scenic views are defined as views of scenic resources as viewed from public areas, such as Cabrillo Boulevard, Shoreline Drive, Cliff Drive, Meigs Road, Coast Village Road, Highway 101, public bluff top vista points, trails, beaches, and parklands. Public scenic views may be framed (view corridor), wide angle, or panoramic. Scenic resources are generally shown on Figure 4.3-1 *Scenic Resources* (Exhibit K) and include, but are not limited to, the following:

Areas inside the Coastal Zone of the City:

- A. Pacific Ocean;
- B. Coastal Bluffs & Shoreline;
- C. Creeks, Estuaries, Lagoons, and Riparian Areas;
- D. Stearns Wharf;
- E. Harbor;

- F. Douglas Family Preserve;
- G. Montecito Country Club;
- H. Andrée Clark Bird Refuge;
- I. Bellosguardo (formerly known as the Clark Estate);
- J. Santa Barbara Zoo;
- K. Parks;
- L. Historic Structures, Sites, and Trees important for their visual quality; and
- M. Landscaping and structures that are contributing resources to Scenic Highways and Routes (Potential State Scenic Highway—Highway 101 and Potential City Scenic Routes—Cabrillo Boulevard and Shoreline Drive).

Areas outside the Coastal Zone of the City:

- A. Pacific Ocean;
- B. Channel Islands;
- C. Foothills-Riviera; and
- D. Santa Ynez Mountains.

Figure 4.3-1 *Scenic Resources* is intended to be a general planning tool. Any scenic resource not designated on Figure 4.3-1 *Scenic Resources* that meets the definition of a scenic resource as specified above shall also be subject to the scenic and visual policies herein.

- The PC did not ask to see visuals of other operating bike share programs nor did it attempt to require the project to re-site each location in order to ensure that the visual blight that bike share programs have had in other cities would be avoided here. Instead, it ceded to the pleas of City staff and the BCycle representative who repeated again and again that the bike stations must be highly visible which is counter to the LUP policies the City must follow which I have already mentioned. Additionally, the decision of the PC to approve the CDP without any mitigation for new development (Exhibit L) showed that the approval of the CDP was inconsistent with the Coastal Act, Local Coastal Plan, it did not meet the requirements of Design Guidelines, the General Plan or the municipal code. The approval of the CDP was inconsistent with the LUP policies:
 - **Policy 4.3-12** Screen Parking Facilities. Parking facilities shall be planted with landscape screening where visible from a public viewing area to the maximum extent feasible while maintaining public scenic views.
 - **Policy 4.3-11** Landscape Plans Required. Applications for new development and substantial redevelopment shall be required to have an approved landscape plan prepared by a licensed design professional that demonstrates that the landscaping associated with the new development or substantial redevelopment is visually compatible with the character of the area and minimizes impacts to visual and scenic resources. As a condition of the permit, the applicant shall be required to implement and fulfill all obligations of the landscape plan for the life of the development. The following standards shall apply:
 - Ensure vegetation choices are appropriate for environmental conditions, including but not limited to, exposure, soil, and water needs. Unless otherwise specified in

Policies 4.1-17 or 5.1-38, within and near areas of natural vegetation and natural habitats, require drought-tolerant plant species, except where inappropriate for the given habitat type (e.g., creek beds and wetlands), that blend with the existing natural vegetation and natural habitats on the site. Within High Fire Hazard Areas, plant species should be fire retardant. The use of any plant species listed as problematic, a noxious weed, or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, the State of California, or the federal government shall be avoided unless necessary for habitat restoration of a sensitive species (e.g., Monarch Butterfly).

- Landscaping shall be designed to avoid obstructing or limiting public view impacts for the life of the development. Plant materials shall be chosen to avoid impacts at their maximum growth potential. The property owner shall maintain new plant materials to avoid their inadvertently intruding into the protected viewshed.
- Landscaping and irrigation shall be planned with consideration for water conservation through use of water-wise plant species; water efficient irrigation systems, including using microspray, drip irrigation, and mulching; and designing irrigation to eliminate runoff.
- Enforce City regulations that require maintenance of the trees, plants, irrigation systems, and other improvements shown on an approved landscape plan.
- When it was revealed that the Harbor Commission had not reviewed or approved any of the proposed sites under the Harbor Commission's purview the PC did not condition its approval on the review and approval of each site by the Harbor Commission prior to Design Review and Approval by the HLC. The approval of the CDP was inconsistent with the Coastal Act, Local Coastal Plan, it did not meet the requirements of Design Guidelines, the General Plan or the municipal code. The approval of the CDP was inconsistent with the LUP policies below:
 - **Policy 2.2-18 Harbor Area Policies.** Development in the Harbor shall be found consistent with at least one of the following:
 - Provide essential supplies and services to the boating public to include recreational boaters, commercial fishing, commercial shipping, enforcement, and rescue vessels;
 - Provide operation and maintenance of the Harbor;
 - Provide recreational and visitor-serving opportunities for the enjoyment of the general public; and
 - Provide an opportunity for marine-oriented nonprofit individuals, groups, and associations to benefit from use of the Harbor.

Additionally, I would like to point out that:

- That City staff and BCycle made it clear that providing electric bikes to tourists, which one PC members describe as *"toys for tourists,"* was essential for the program to work. When the target audience of the bike share program is locals, which BCycle states would be 90% of members, it makes no sense that the City would begin the program in the Funk Zone and the Downtown, where tourists are most likely to be found, when traffic study after traffic study show that surface street traffic to Downtown comes from our neighborhoods. (Upper State St., the Eastside and Westside and the Mesa.)

- The PC denied the due process rights of the public, property owners and residents when it approved a CDP that permitted the applicant to construct bike stations and install bike docks, kiosks and signs at unknown sites in the Coastal Zone. (SBMC 22.22.132, Historic Landmarks Commission Notice and Hearing, SBMC 22.68.040, Architectural Board of Review Notice and Hearing, and SBMC 28.44.120 Public Hearing.) (Exhibit M)
- The PC approved the CDP without a mailed notice of the hearing being sent to nearby property owners and residents of the proposed sites as required under Title 22 (SBMC 28.44.120 Public Hearing.)
- The PC approved the CDP without any sites being reviewed or approved by the Harbor Commission as required in the City Charter under Section 811 (a) and (b) .(Exhibit N.)
- The PC approved the CDP counter to the General Plan's Environmental Resources Element: ER29, Visual Resources Protection, and ER30, Enhance Visual Quality, and did not require that the applicant document or evaluate public or scenic views as described in ER29.1, Document Public Views, ER29.2, Evaluation Criteria, and ER29.5, Scenic View Protection.
- The CDP that City staff requested, which was subsequently approved, was in essence a "blank check" to construct bike stations that will construct between 150-200 bike docks along with "enrolment" kiosks/other types of kiosks and signs anywhere in the Coastal Zone in the public right of way or on City-owned property. This "blanket" approval of unknown sites and the sites proposed ensures that Historic Landmarks Commission (HLC), the Architectural Board of Review (ABR) and PC will **not** review and approve sites and proposed construction, as required under the City Charter, LUP or Title 28. Instead, these sites which will be permanently permitted will be chosen an approved by City staff and BCycle without any further public hearings.

I respectfully request that my appeal be upheld and the project go through the proper procedures to ensure that our visual, historic and scenic resources are respected as required (Exhibit O) and that bike stations be located in public parking lots, not on public sidewalks, or in any parkways.

I reserve the right to supplement this appeal and the statements made above with additional legal grounds and facts in support thereof.

Respectfully,



Anna Marie Gott

**SANTA BARBARA BCYCLE PILOT
BIKE SHARE PROGRAM:
COASTAL DEVELOPMENT PERMIT**



BCycle
SANTA BARBARA

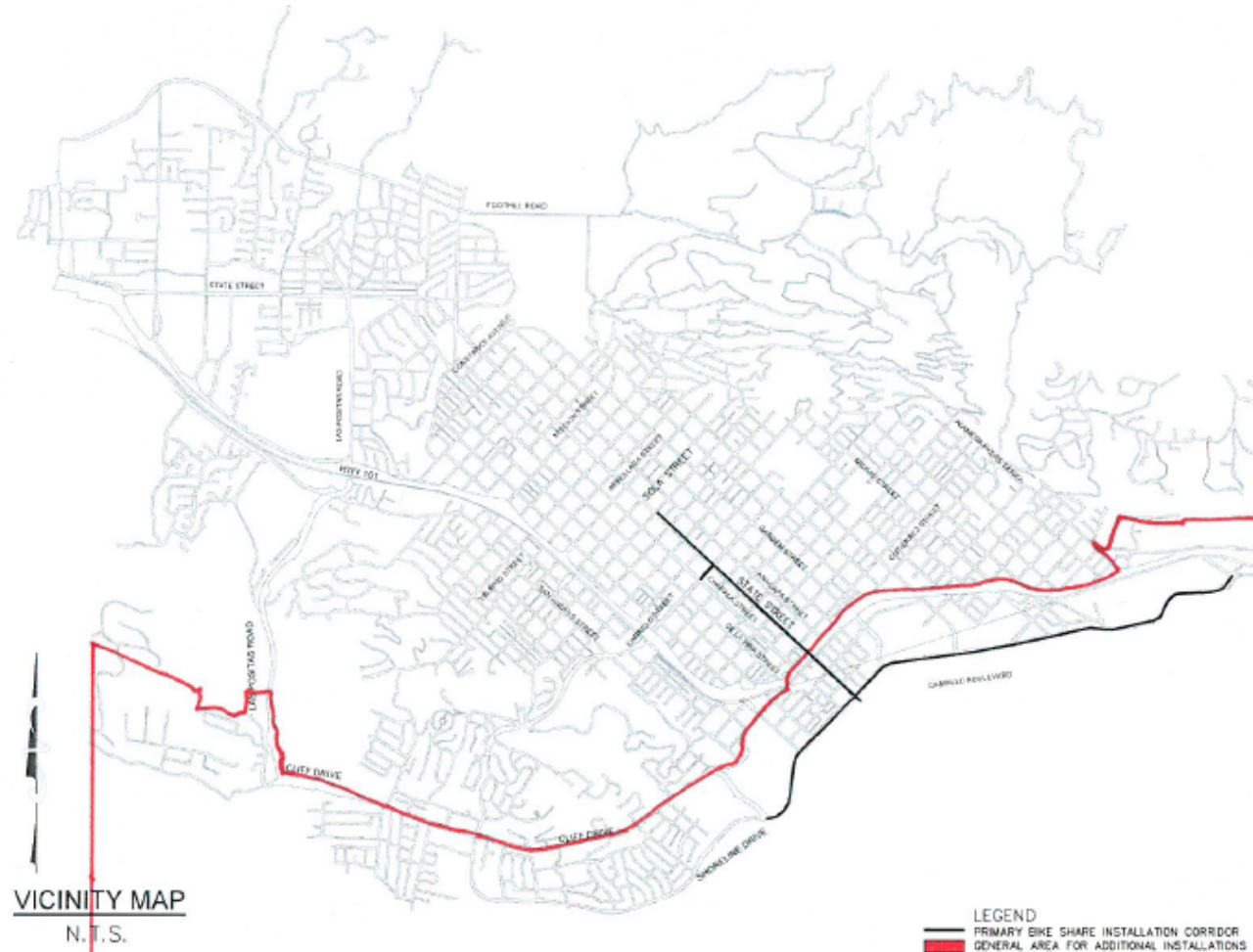


CITY OF SANTA BARBARA

BICYCLE SHARE PILOT PROGRAM IN THE COASTAL ZONE

PROJECT DATA

PROJECT OWNER/TEAM:	CITY OF SANTA BARBARA / BCYCLE
PROJECT DESCRIPTION:	THIS PROJECT IS THE FIRST PHASE OF BIKE SHARE IMPLEMENTATION IN SANTA BARBARA. WHEN COMPLETE, THE PROJECT WILL INVOLVE THE INSTALLATION OF 500 BIKE SHARE "DOCKS", WHICH WILL SERVE 250 ELECTRIC-ASSIST BIKES IN A PUBLIC BIKE SHARE SYSTEM. OF THE 500 DOCKS, AROUND 300-350 WILL BE LOCATED DOWNTOWN, MAINLY ALONG STATE STREET. THE REMAINING 150-200 DOCKS WILL BE LOCATED ALONG THE WATERFRONT. A NUMBER OF ENROLLMENT KIOSKS HELPS TO SERVE WALK-UP CUSTOMERS. THESE SHARE DOCKS AND "STATIONS" (GROUPINGS OF DOCKS) ARE LOCATED IN THE FURNITURE ZONE, ADJACENT TO OTHER STREET FIXTURES LIKE LIGHT POLES, NEWSPAPER STANDS, PLANTERS AND STREET TREES, AND EXISTING HITTING POST BIKE PARKING. ALONG STATE STREET, AND IN THE DOWNTOWN AREA, THESE STATIONS WILL GENERALLY CONSIST OF SMALL GROUPS OF 2-6 DOCKS. ALONG THE WATERFRONT, AND IN HIGHER USAGE AREAS, THIS DOCK NUMBER MAY INCREASE TO ACCOMMODATE MORE USERS.
EXISTING AND PROPOSED USE:	CITY RIGHT OF WAY/CITY OWNED PROPERTY
ADDRESS:	MULTIPLE LOCATIONS IN THE CITY ROW IN THE DOWNTOWN AND WATERFRONT NEIGHBORHOODS
GENERAL PLAN AND LOCAL COASTAL LAND USE DESIGNATION:	COMMERCIAL-HIGH DENSITY RESIDENTIAL, COMMERCIAL-MED HIGH DENSITY RESIDENTIAL, CIVIC AND HOSPITAL, HOTEL AND RELATED COMMERCIAL, RECREATIONAL OPEN SPACE, HARBOR COMMERCIAL
ZONE:	C-G COMMERCIAL GENERAL, M-C MANUFACTURING COMMERCIAL, HRC-2 HOTEL AND RELATED COMMERCE, S-D-3 COASTAL OVERLAY ZONE, P-R PARKS AND RECREATION, H-C HARBOR
FLOODPLAIN DESIGNATION:	PORTIONS WITHIN ZONES AH AND VE



VICINITY MAP
N.T.S.

LEGEND
— PRIMARY BIKE SHARE INSTALLATION CORRIDOR
— GENERAL AREA FOR ADDITIONAL INSTALLATIONS

SYMBOL LEGEND

EXISTING WATER MAIN	EXISTING CABLE TV	EXISTING WATER METER
EXISTING GAS MAIN	EXISTING EDGE OF PAVEMENT	EXISTING TELEPHONE MANHOLE
EXISTING SEWER MAIN	EXISTING FLOWLINE	EXISTING ELECTRIC PULL BOX
EXISTING SCE MAIN	EXISTING FIRE HYDRANT	EXISTING POWER POLE
EXISTING TELEPHONE MAIN	EXISTING WATER VALVE	EXISTING STREET SIGN
EXISTING STORM DRAIN MAIN	EXISTING GAS VALVE	EXISTING STREET LIGHT
EXISTING FENCE	EXISTING GAS METER	EXISTING CITY MONUMENT
—R/W— RIGHT OF WAY LINE	(98.57) EXISTING ELEVATION	EXISTING IP SURVEY MARKER

ABBREVIATION LEGEND

BM	BENCHMARK	MH	MANHOLE
BOW	BACK OF WALK	NTS	NOT TO SCALE
CTV	CABLE TELEVISION	R/W	RIGHT OF WAY
E	ELECTRICAL	S	SEWER
EP	EDGE OF PAVEMENT	SD	STORM DRAIN
ECNC	EDGE OF CONCRETE	T	TELEPHONE
FH	FIRE HYDRANT	TC	TOP OF CURB
FL	FLOW LINE	TMH	TELEPHONE MANHOLE
FW	FRONT OF WALK	P	PAVEMENT
FS	FINISH SURFACE	W	WATER
G	GAS		

BASIS OF BEARINGS:
R/S BOOK 147,
PAGES 70-74
DATUM: NAVD 88

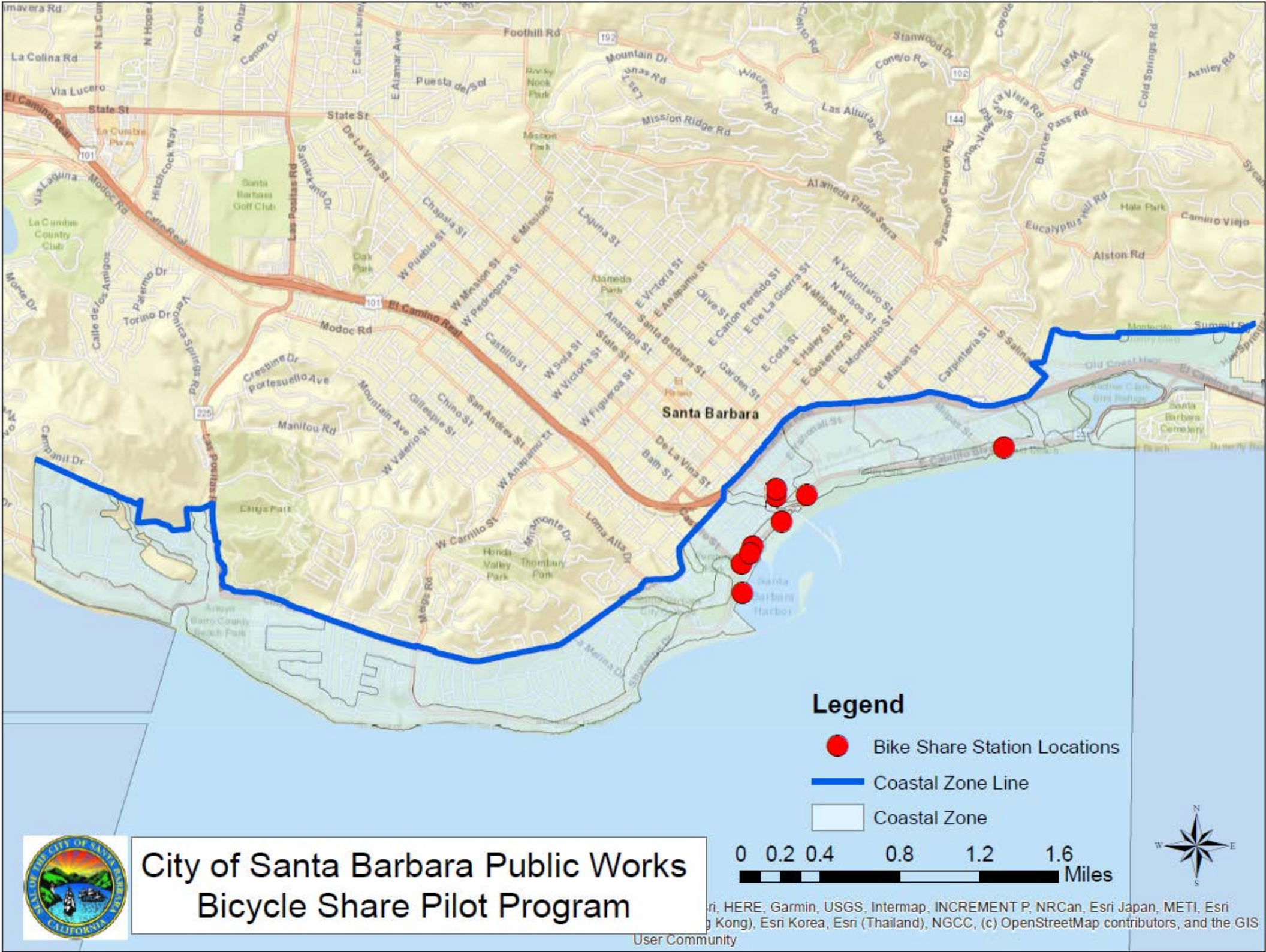


Know what's below.
Call before you dig.

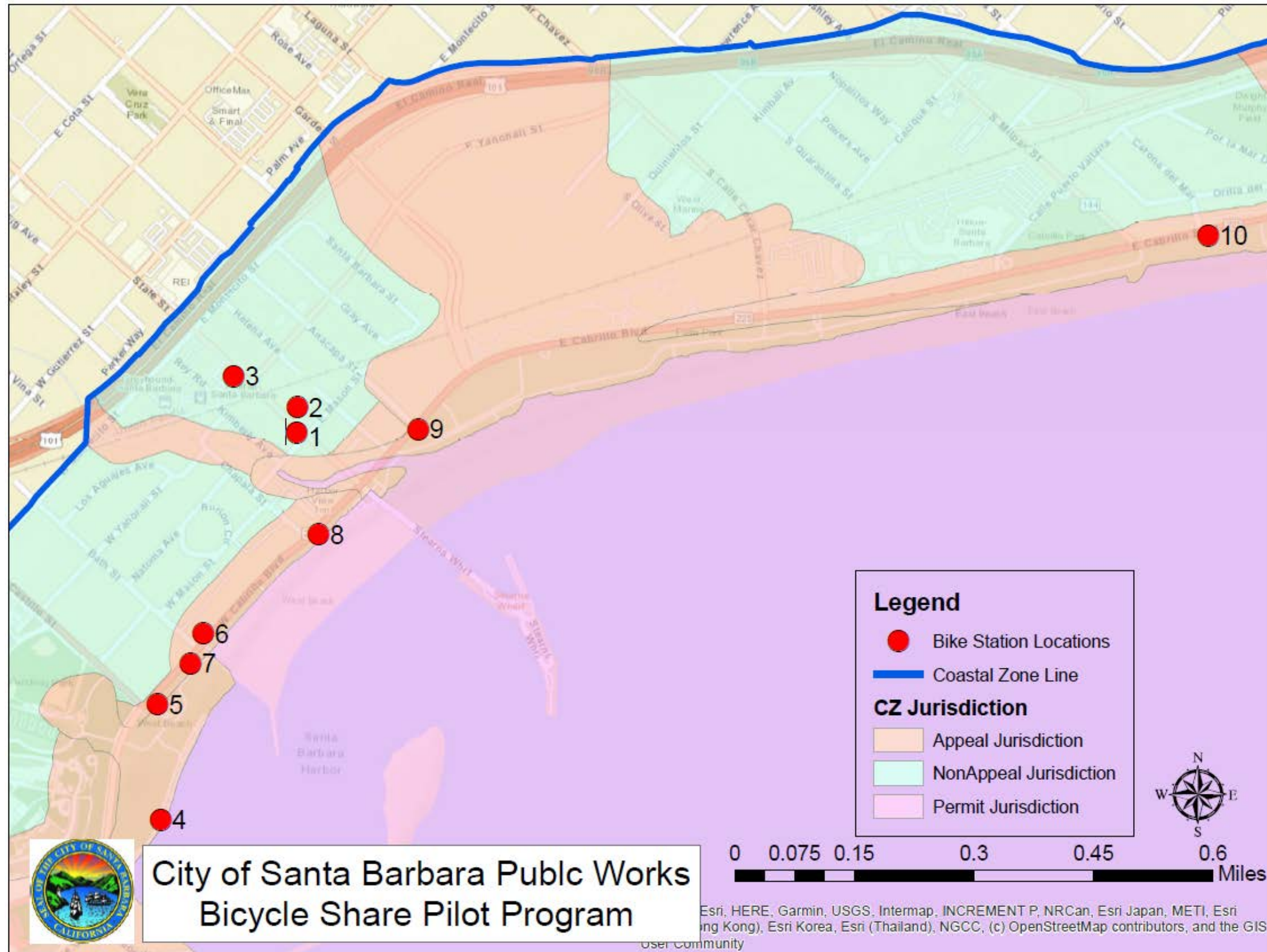
BIKE SHARE PROJECT TITLE SHEET

XXXX-XXXX	FILE NO.
XXXX G1	REV. NO.
C-X-XXX	REV. DES.
DWG. NO.	
SHT. 1 OF X	

MAP SHOWING PROPOSED PROJECT AREA IN THE COASTAL ZONE



MAP SHOWING PROPOSED "TYPICAL" INSTALLATIONS IN THE COASTAL ZONE

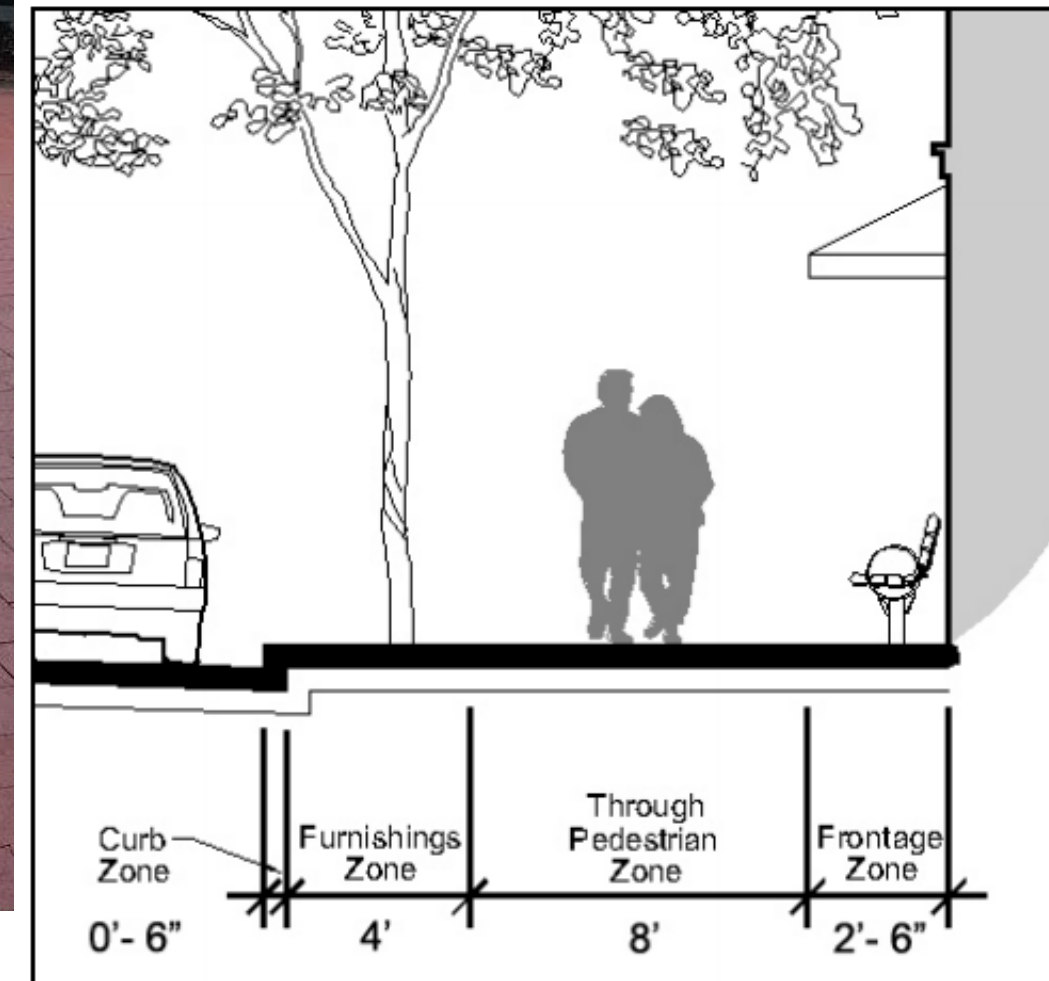


3.0 STATION PARAMETERS

- Siting Guidelines for Furniture Zone installation:
 - Minimum of 2 docks together
 - Minimum of 4 docks in immediate proximity (within 20 feet)
 - Stations within 1-2 minute walk to the next
- Project Scope:
 - 300-350 docks on State Street and in Downtown
 - 10 docks per block on State
 - 150-200 docks along the Waterfront



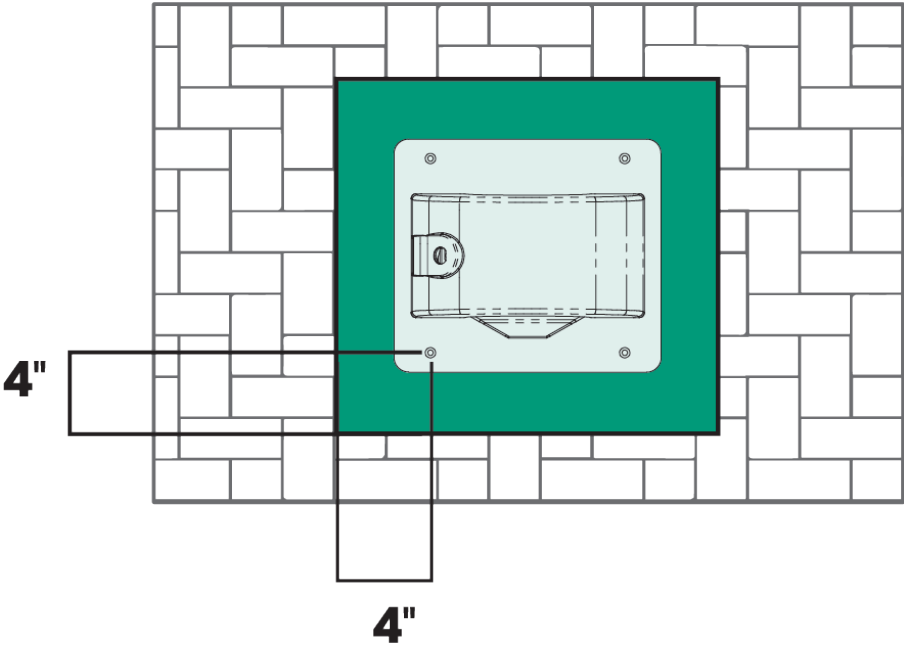
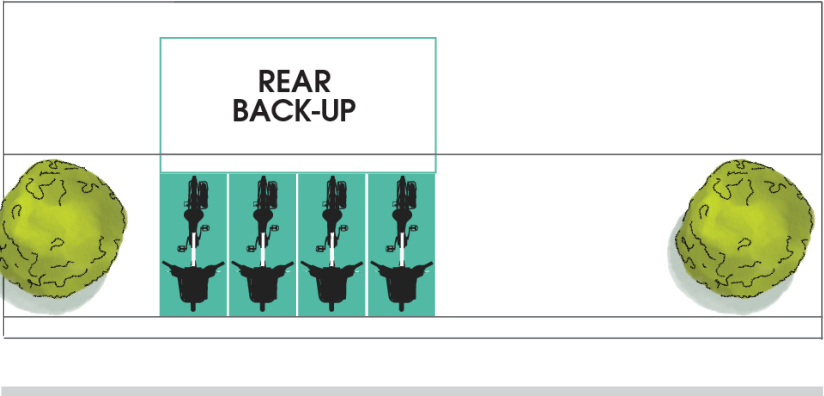
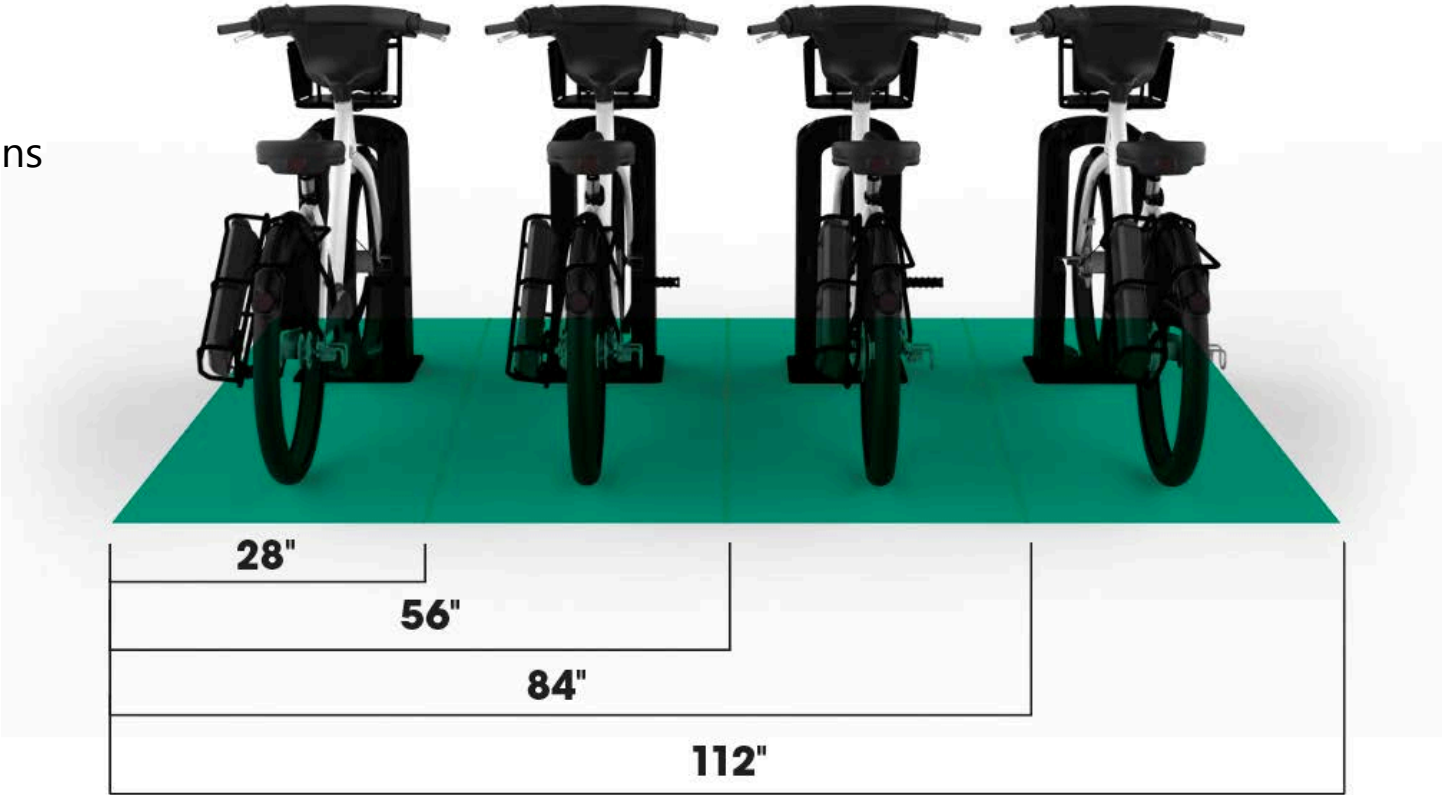
Through Pedestrian Zone, 2006 PMP



3.0 STATION PLANNING

IN THE FOLLOWING
PAGES WE WILL COVER:

- Station Dimensions
- Install Dimensions
- Station Configurations
- Install Basics
- Station Mockups

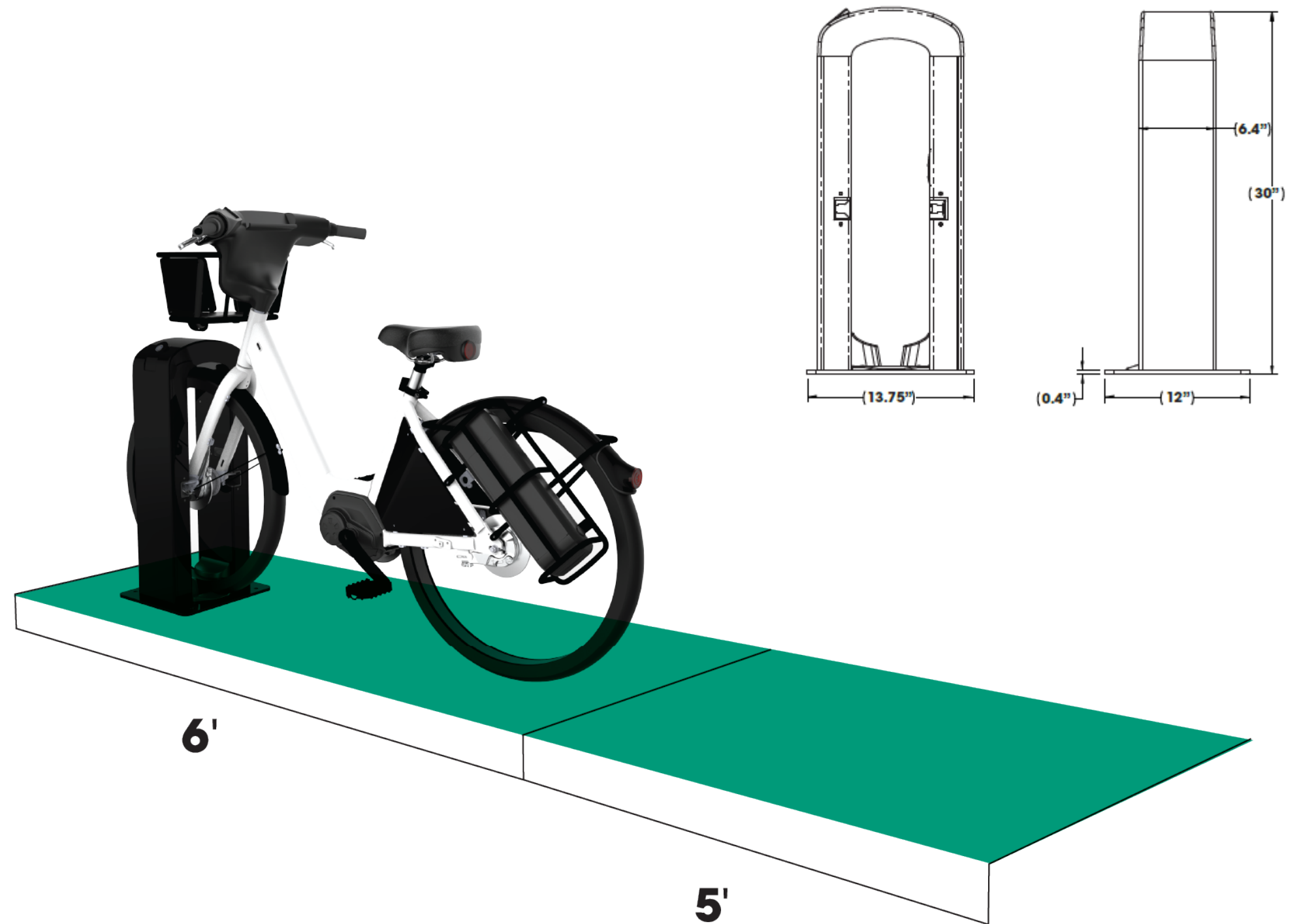


3.0 STATION - INSTALL DIMENSIONS

STATION DEPTH:

- Single-sided stations must have at least 6' of space (this includes a 6" front tire overhang) plus a 5' back-up zone totaling 11'
- Double-sided stations must have at least 8'6" of space plus a recommended 5' back-up zone on each side totaling 16'6"

3.0 DIMENSIONS



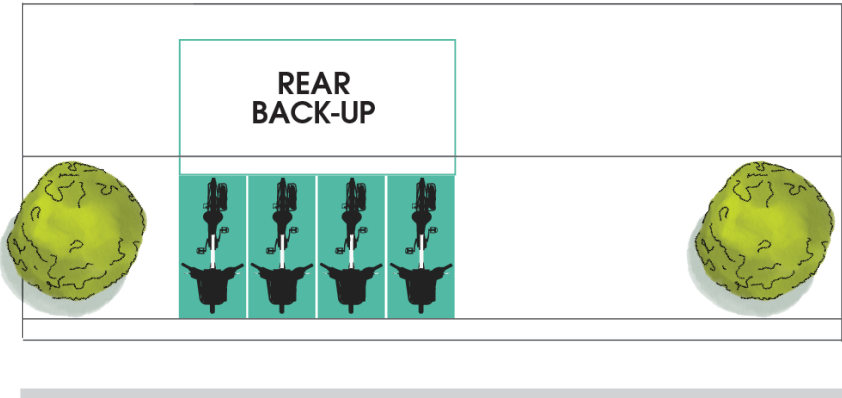
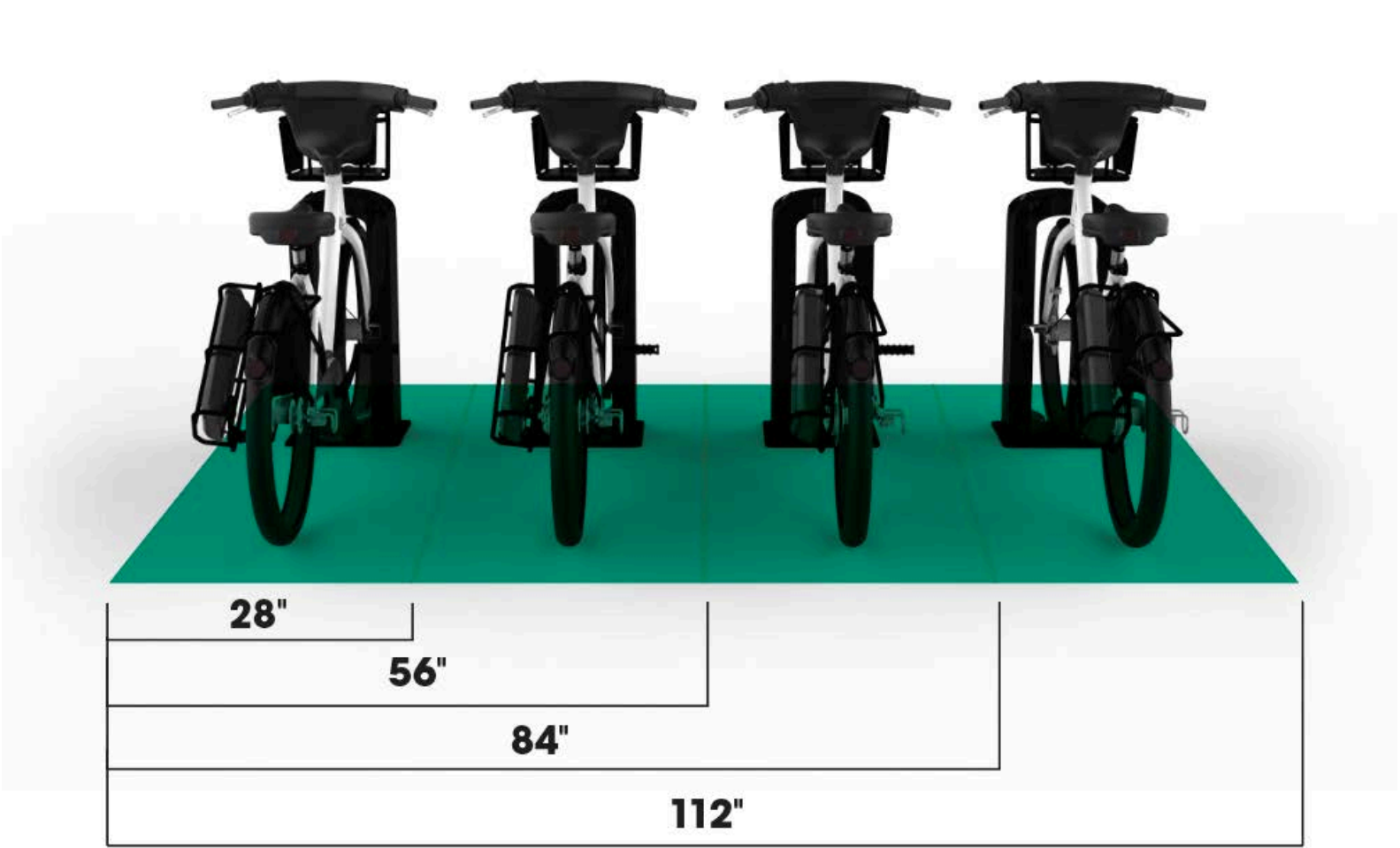
3.0 STATION - INSTALL DIMENSIONS

WITHOUT BASE PLATES:

- Length: 6' based on size of bike
- Width: 28" (handlebar width)

SPACING AND THROUGH ZONE:

- Docks need to be spaced 30" apart
- Allow 5ft backup zone from the back of the bike
- Rule of thumb: Need a 11ft area (~6 from the front of the bike to the end of the backup zone)
- Installations should avoid possible impediments on either side of handlebars (street lights, trash receptacles, etc.)
- Installations should maintain Pedestrian Through Zone
- Leave approximately 3 feet on either side of dock to allow people to walk through



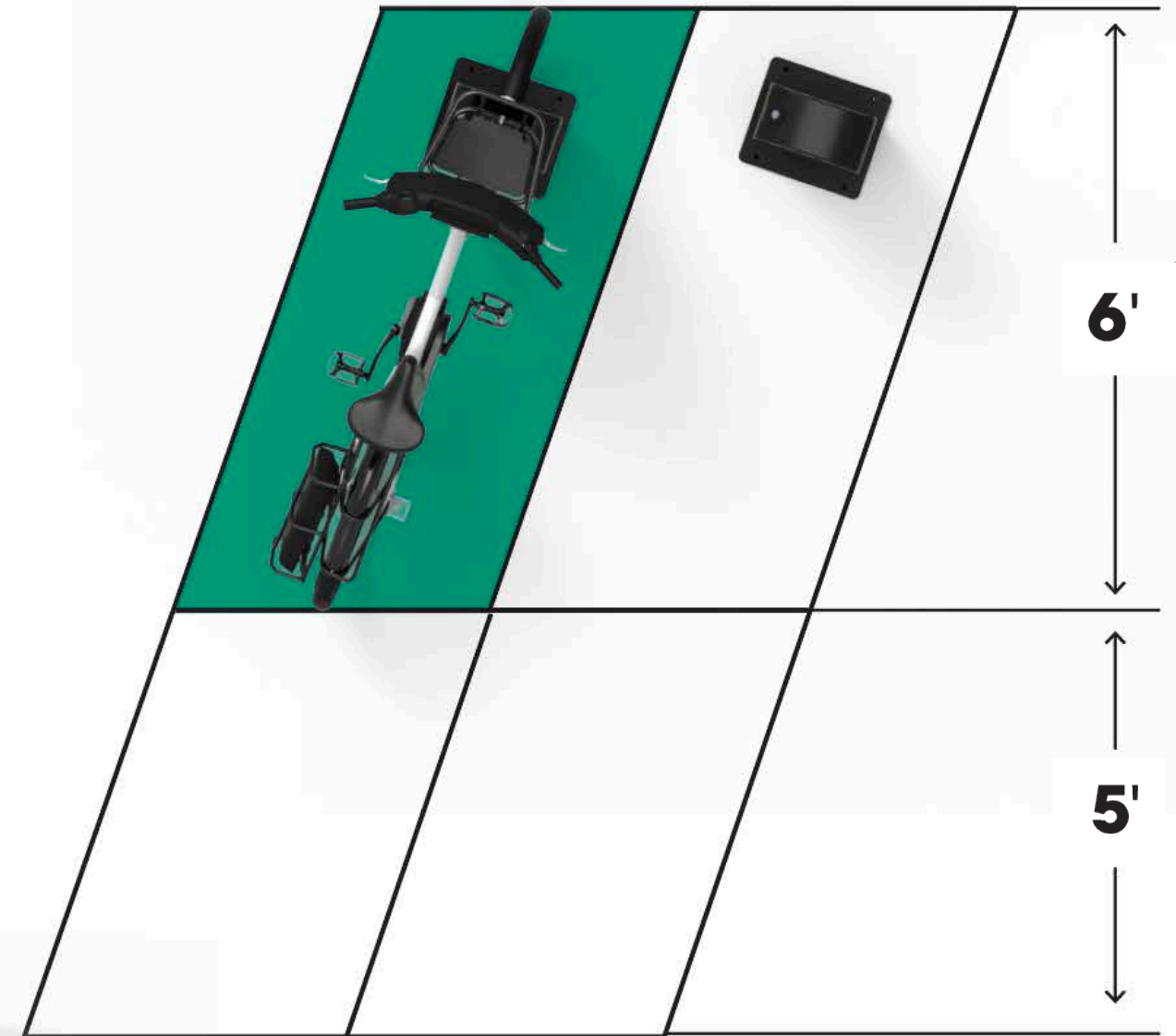
QUICK KEY

STATION WIDTH	
# OF DOCKS	MIN. WIDTH
1	28" (2 1/3')
2	56" (4 2/3')
3	84" (7')
4	112" (9 1/3')
5	140" (11 2/3')
6	168" (14')
7	196" (16 1/3')
8	224" (18 2/3')

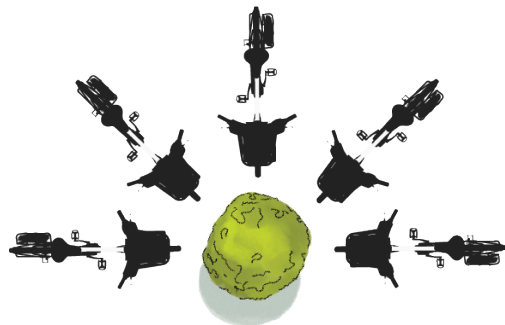
3.0 STATION - INSTALL DIMENSIONS

ANGLED STATION DEPTH (SPACE SAVER)

- Docks can be rotated 22.5 degrees to reduce footprint depth by 4-5".



3.0 STATION CONFIGURATIONS



QUICK KEY

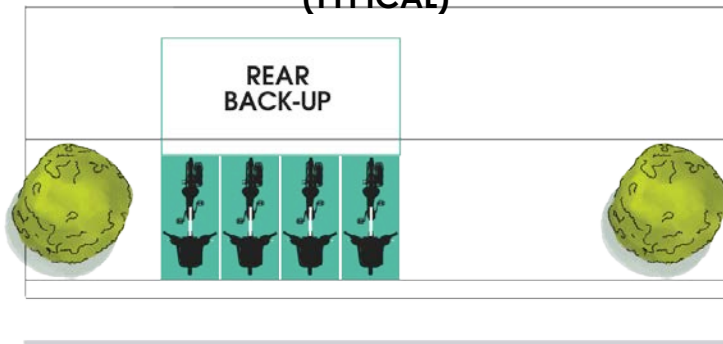
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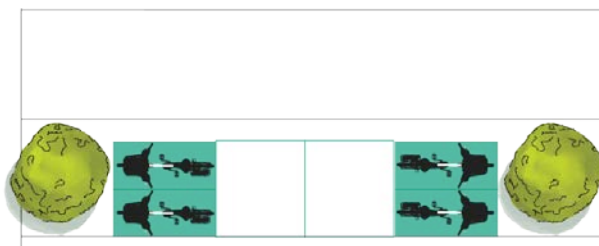
STATION DEPTH:

The depth of the dock with a bike is 6'
5 foot minimum needed behind the bike for the rear back up zone

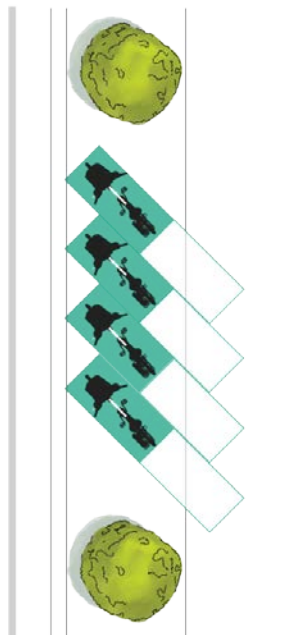
PERPENDICULAR TO STREET (TYPICAL)



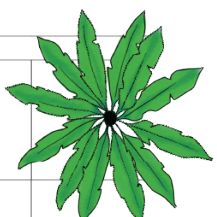
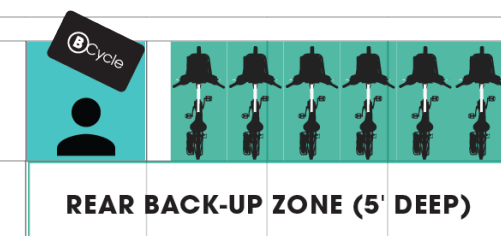
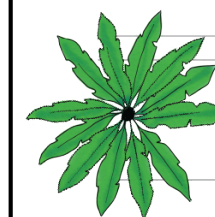
PARALLEL TO STREET (ATYPICAL)



45° TO STREET (SPACE SAVER)



LARGER 3.0 STATIONS COULD SERVE AS GREAT LOCATIONS FOR THE ENROLLMENT KIOSKS



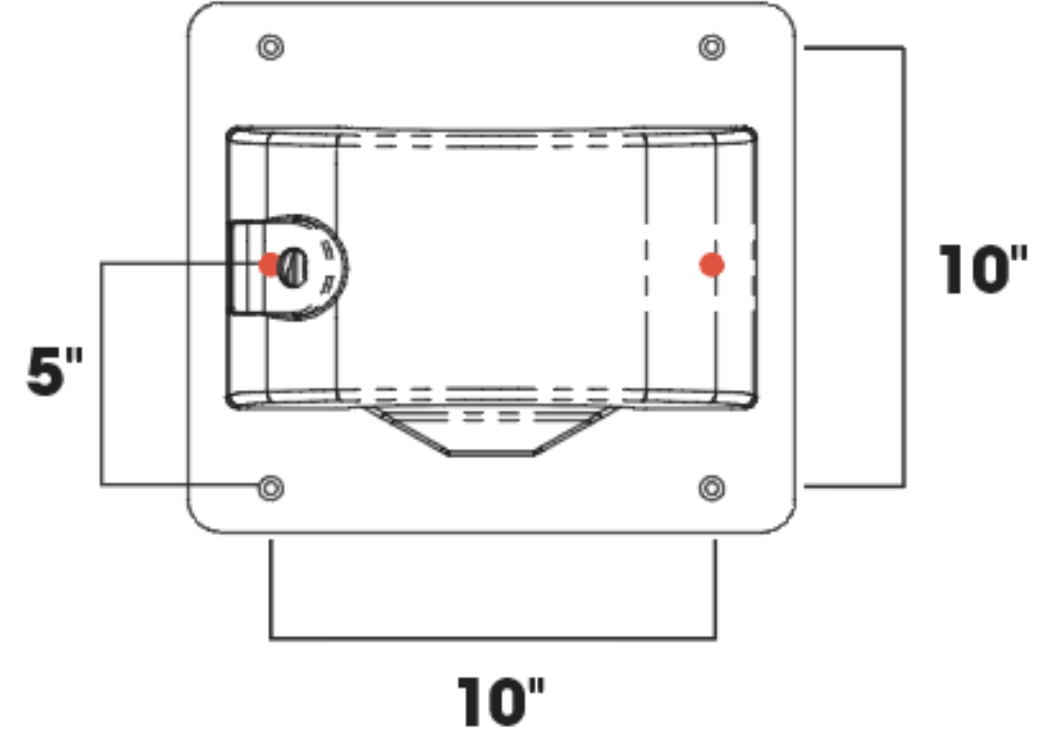
3.0 STATION – INSTALL BASICS



TOOLS:

- T25 security torx hand driver
- T27 security torx impact bit
- 3/16" x 10" SDS+ masonry bit
- M18 Fuel SDS+ Rotary Hammer*
- M18 Fuel 2spd impact driver

* We Strongly recommend the use of a "Rotary Hammer" over a "Hammer Drill" due to its harder preforming Hammer aspect, cutting drill time in half.

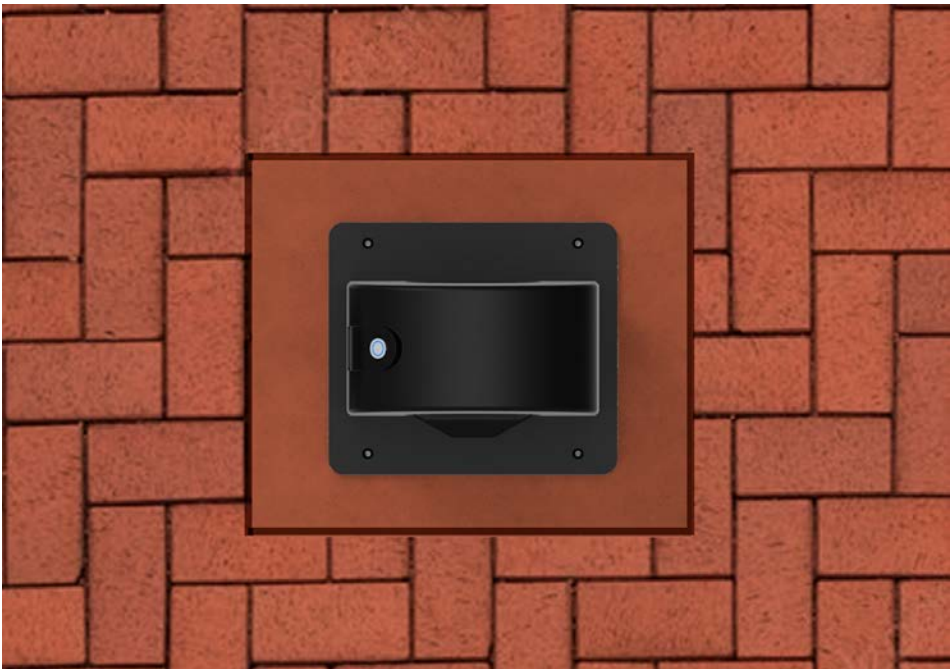


INSTALLING INTO CONCRETE:

There are 4 external holes that are equally spaced out by 10"

In **red**, you will find two additional hidden holes (within the leg) that can be used for added security but are not required.

3.0 STATION – INSTALL BASICS



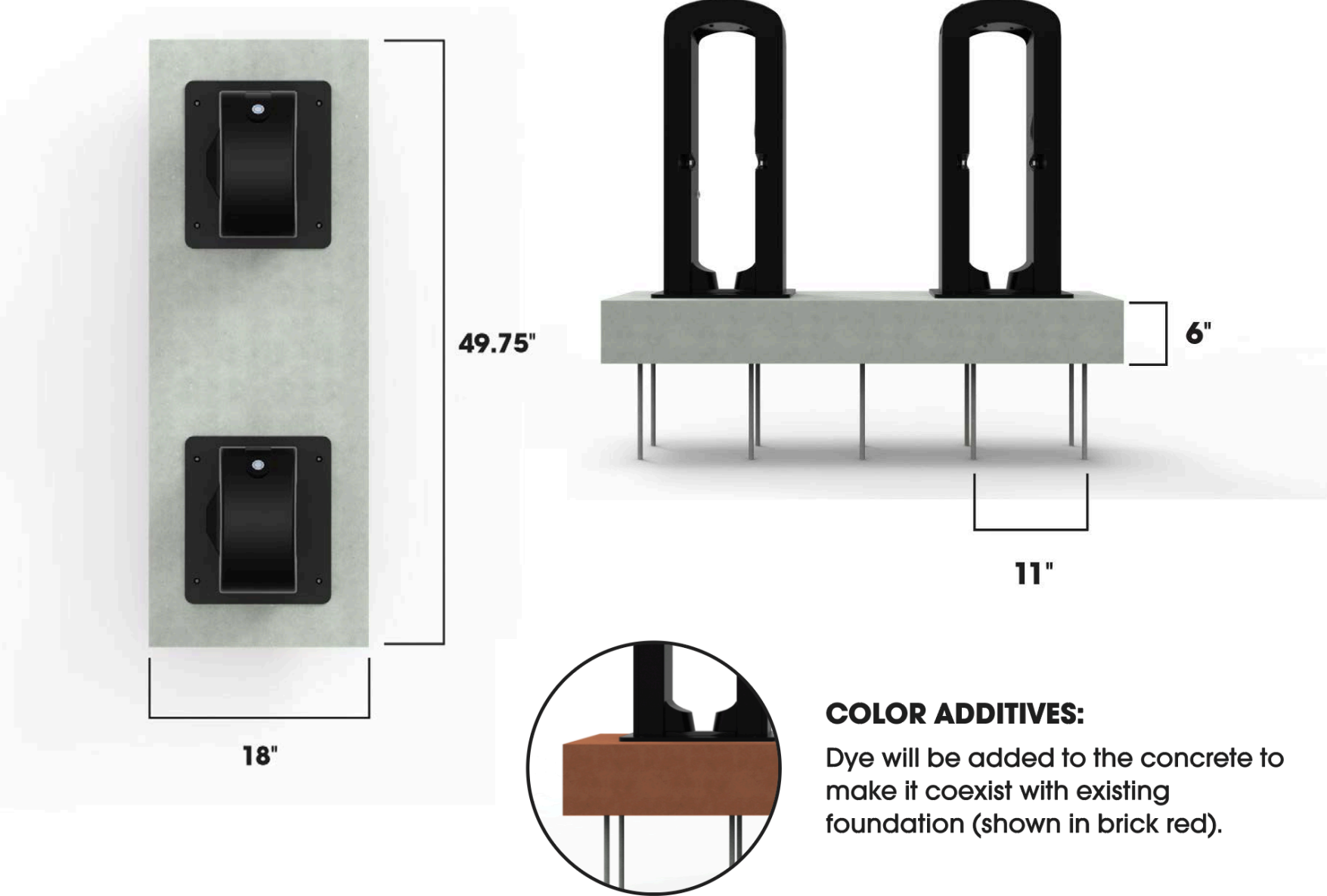
INSTALLING INTO PAVERS/ASPHALT:

The only difference here is that you will need to pour concrete pads*. BCycle suggests offsetting the pad at least 4" from the mounting holes to ensure the concrete won't crumble around the edges (See diagram to the right).

*We highly recommend using a concrete that meets or exceeds 2500 psi.

SUGGESTED CONCRETE PAD SPEC'S:

Below are the suggested dimensions for a concrete pad to withhold maximum force on dock. For maximum effectiveness with pavers, we suggest using rebar spikes.



COLOR ADDITIVES:
Dye will be added to the concrete to make it coexist with existing foundation (shown in brick red).

STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



TEMPORARY STATE STREET EXAMPLE STATIONS



TEMPORARY STATE STREET EXAMPLE STATIONS



VINYL WRAPPED 1.0 STATION



VINYL WRAPPED 1.0 STATION



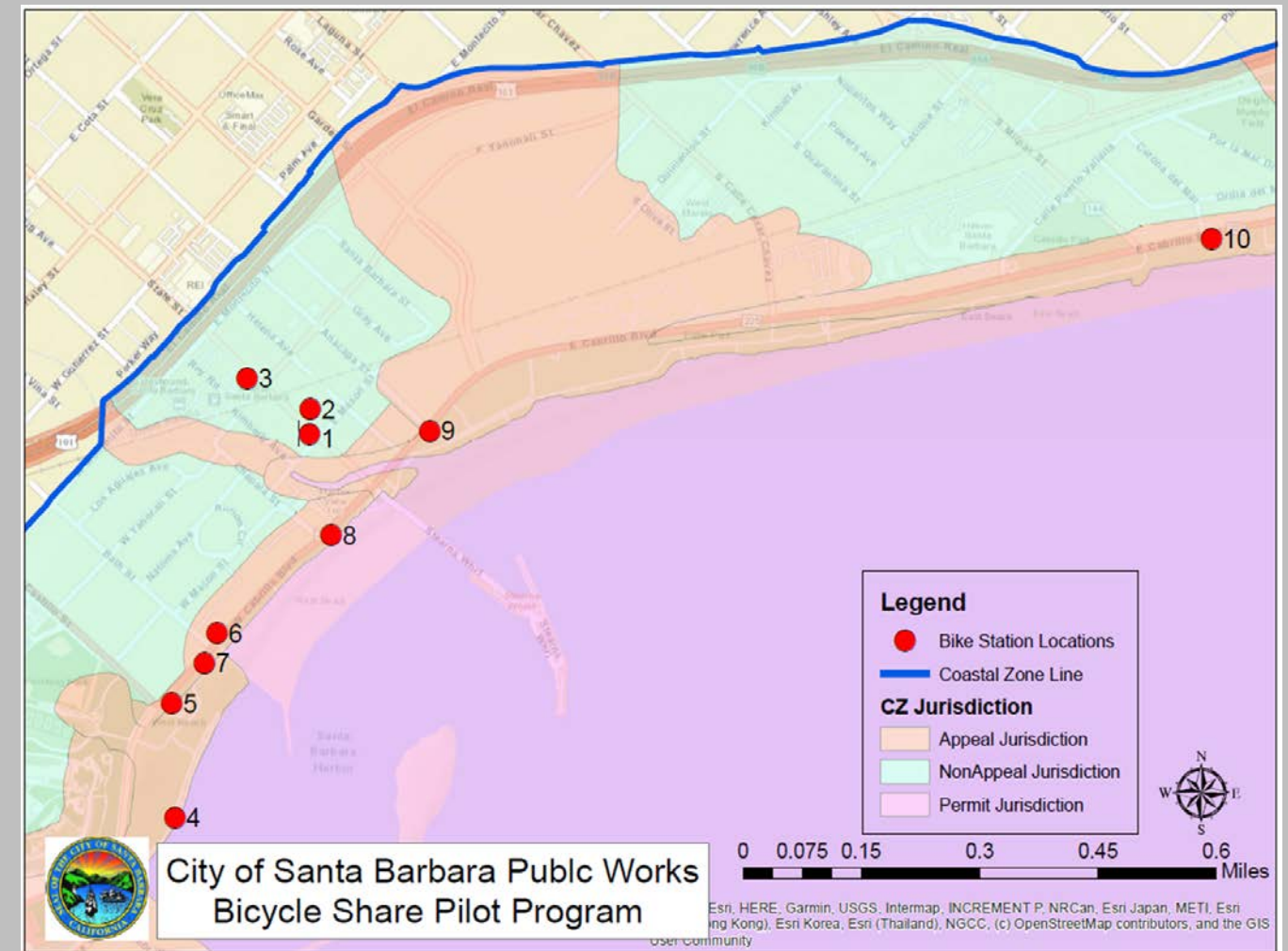
WATERFRONT: EXAMPLE 1.0 STATION



PROPOSED “TYPICAL” INSTALLATIONS IN THE COASTAL ZONE

1. Harbor View Inn (North)
2. Goat Tree
3. Amtrak Station
4. Santa Barbara Harbor
5. Cabrillo and Castillo
6. Hotel Milo/Chad's (North Cabrillo Option)
7. Cabrillo and Bath
8. Cabrillo and Chapala

9. Cabrillo/Anacapa (Skater's Point)
10. Cabrillo West Lot



1. Harbor View Inn (North)

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

~101 State St, Santa Barbara, CA 93101

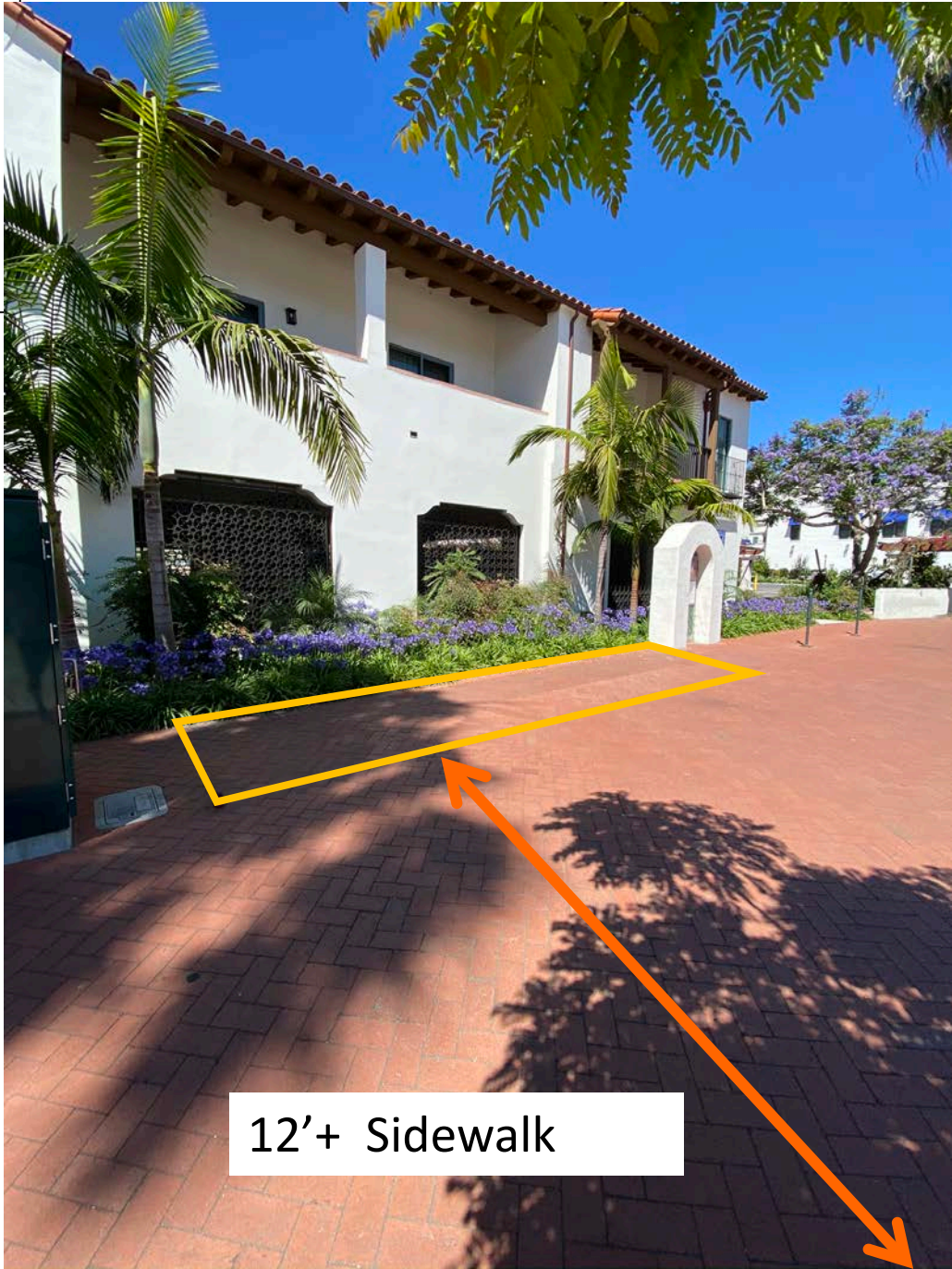
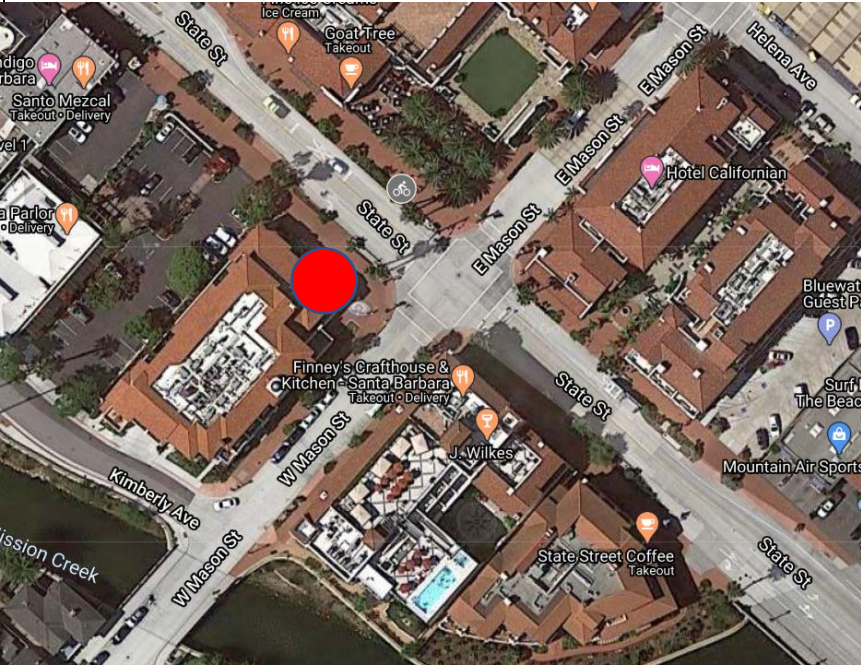
Lat: 34.413119

Long: -119.690622

Notes:

Area from cabinet to arch is 27'

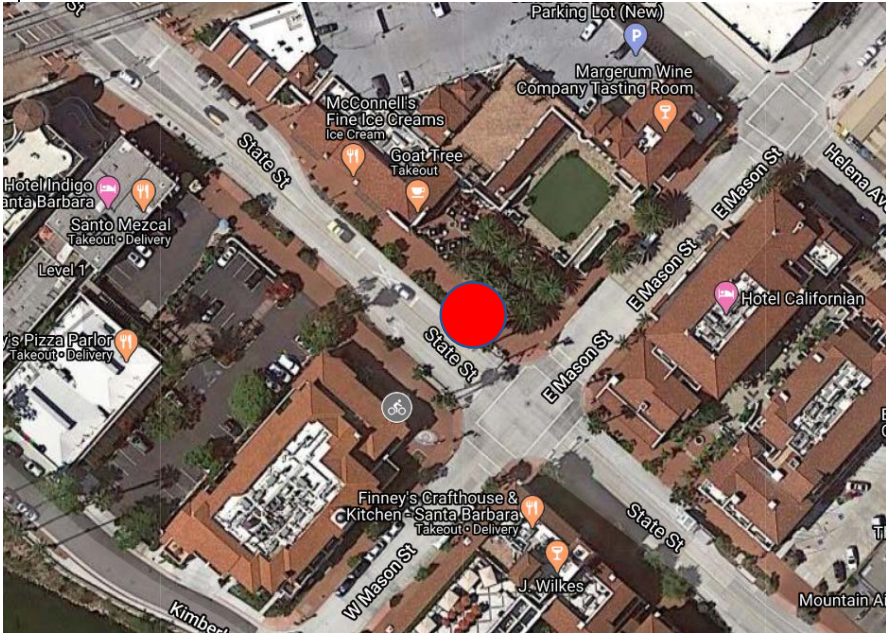
Adjacent to other bike parking (hitching posts)



2. Goat Tree

Station size: 6' x 20' (10' backup)
Station type: 3.0, up to 8 docks
~111 State St, Santa Barbara, CA 93101
Lat: 34.41358
Long: -119.690615

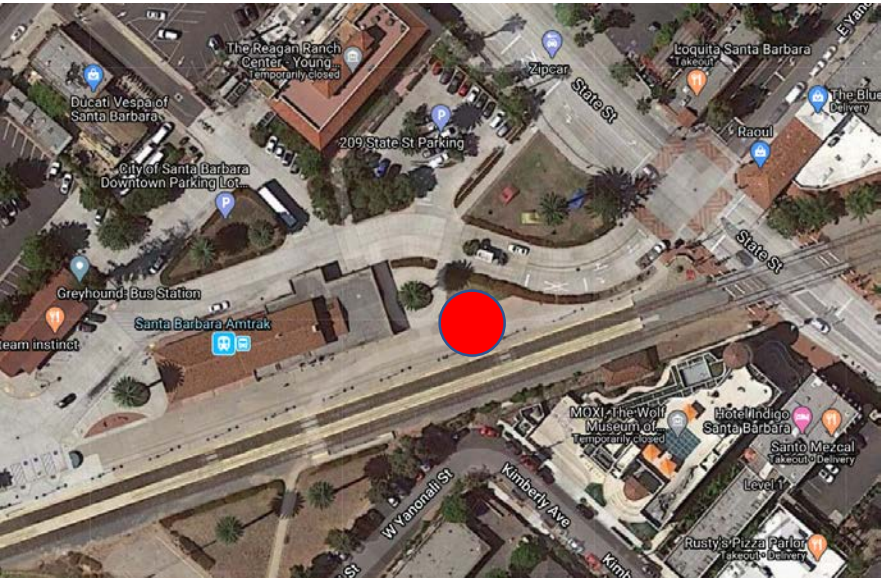
Notes:
Adjacent to other bike parking (hitching posts)



3. Amtrak Station

Station size: 6' x 20' (10' backup)
Station type: 3.0, up to 8 docks
~209 State St, Santa Barbara, CA 93101
Lat: 34.414123
Long: -119.692022

Notes:
This installation will likely require flexible delineators, curbs, or other in-street devices for enhanced safety and visibility.



4. Santa Barbara Harbor

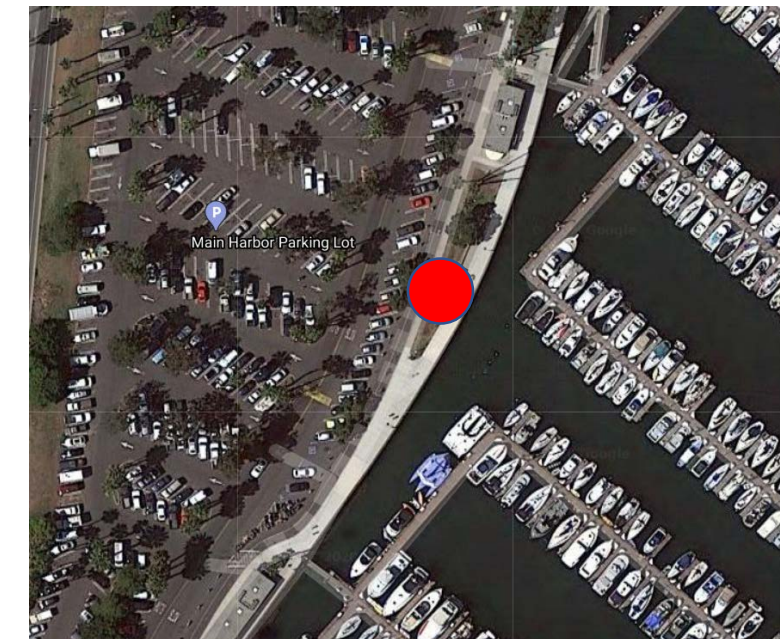
Station size: 6' x 20' slab, Up to 60'

Station type: 1.0 or 3.0 single-sided **with kiosk**, up to 8 docks

Santa Barbara Harbor, Santa Barbara, CA 93109

Lat: 34.40602

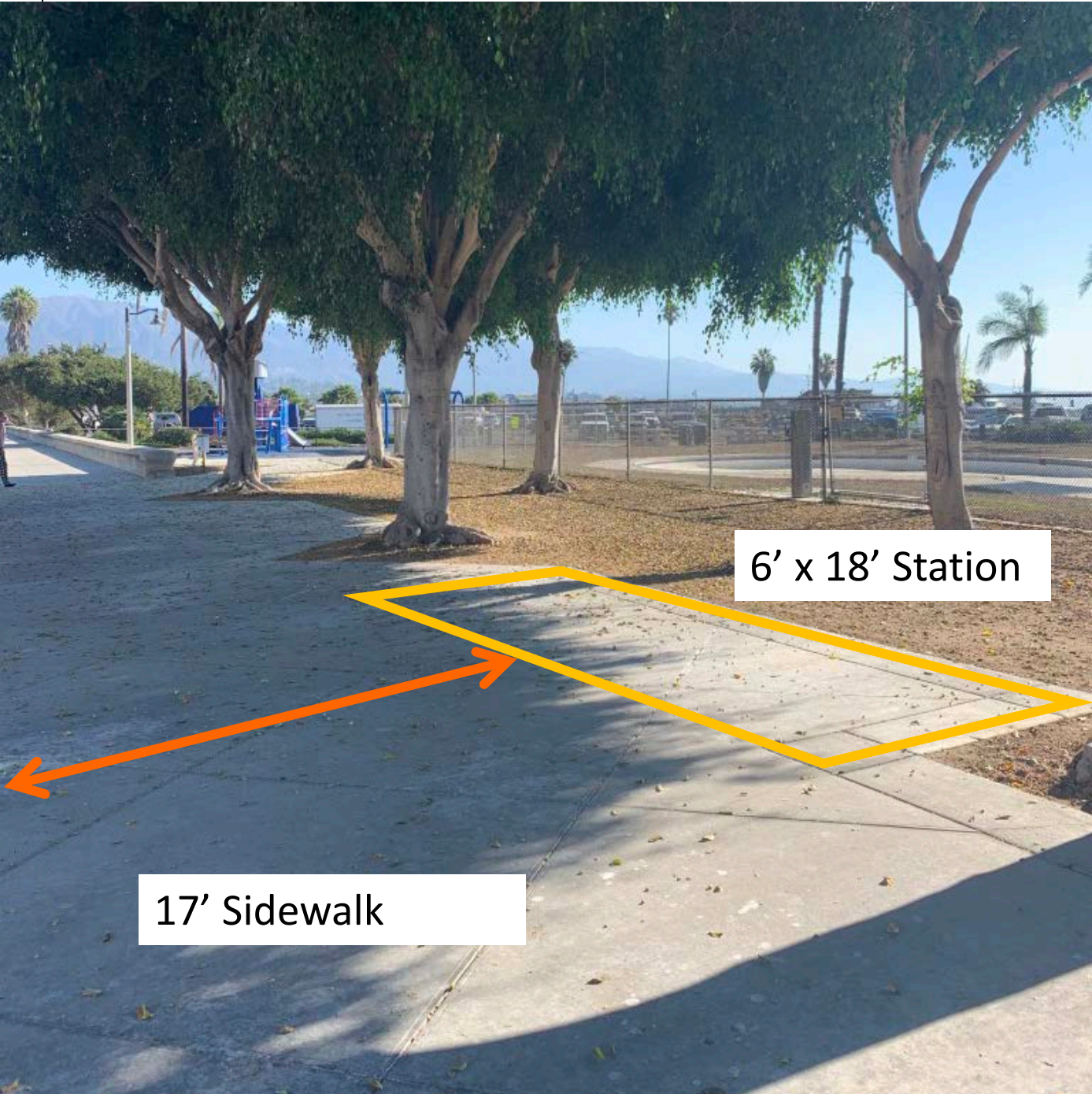
Long: -119.69346



5. Cabrillo and Castillo

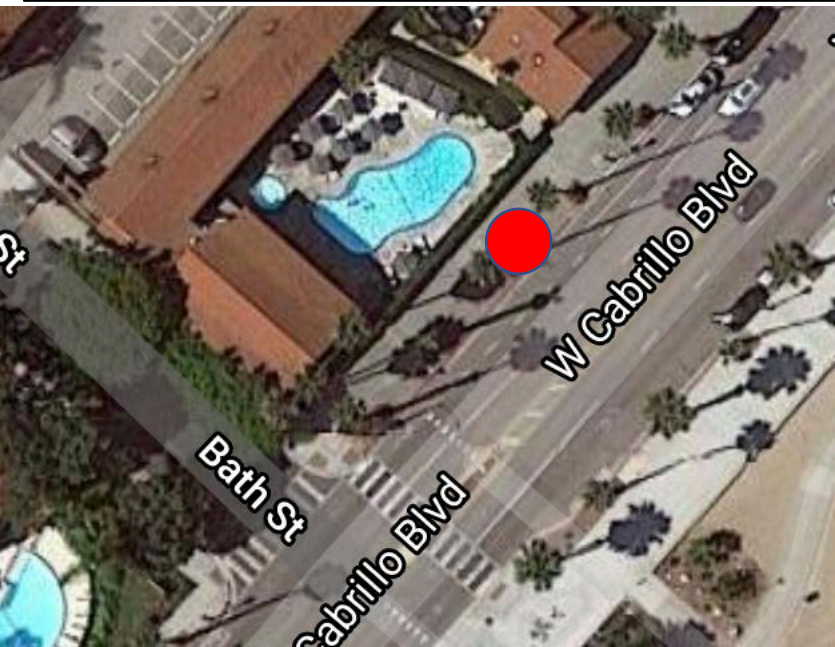
Station size: 6' x 18' (10' backup)
Station type: 3.0 or 1.0, up to 7 docks
Cabrillo Blvd at Castillo St, Santa Barbara, CA 93101
Lat: 34.408118
Long: -119.693577

Notes:
Adjacent to MTD Stop
Highly visible
Adjacent to connector path to Harbor and Beachway



6. Hotel Milo/Chad's (North of Cabrillo option)
Station size: 6' x 20'
Station type: 3.0, up to 8 docks
232 W Cabrillo Blvd near Bath St, Santa Barbara, CA 93101
Lat: 34.409430
Long: -119.692599

Notes:
Close to other bike parking (hitching posts by Chad's)
Doesn't need 2' door zone from curb face (red curb zone)
Two potential locations:
West: ~20' between trees
East: 23'6" between trees



7. Cabrillo and Bath

Station size: 6' x 20'

Station type: 3.0 or 1.0, up to 8 docks

Cabrillo Blvd at Bath St, Santa Barbara, CA 93101

Lat: 34.408880

Long: -119.692864

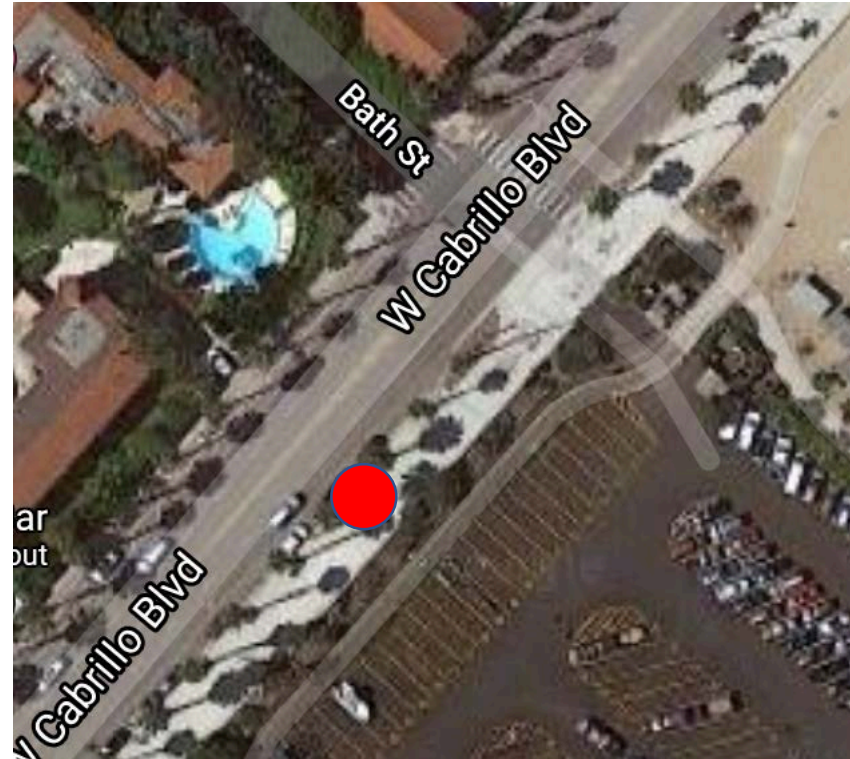
Notes:

Adjacent to other bike parking

Highly visible

Need 2' door zone from curb face

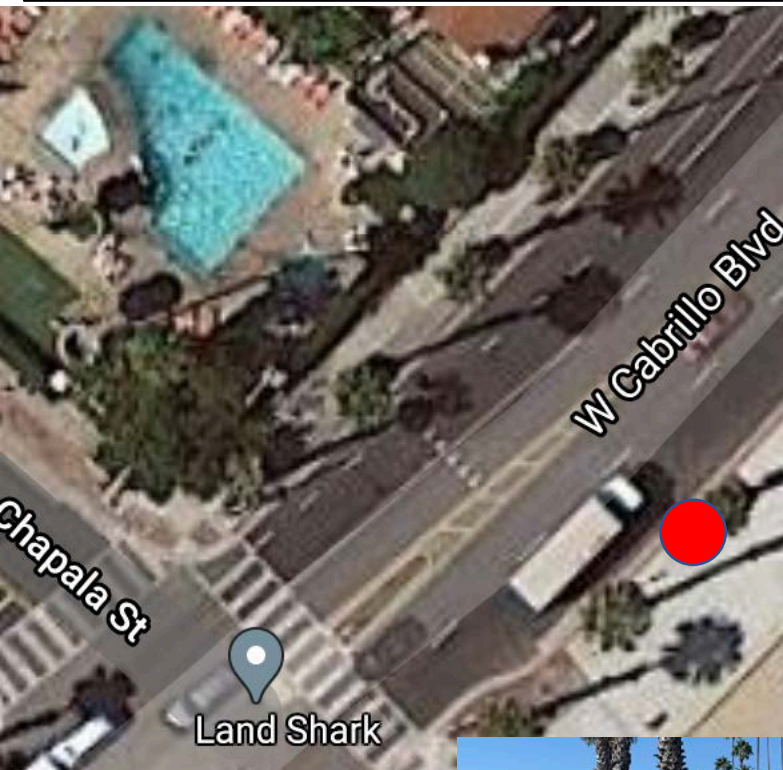
Area between trees is 24'



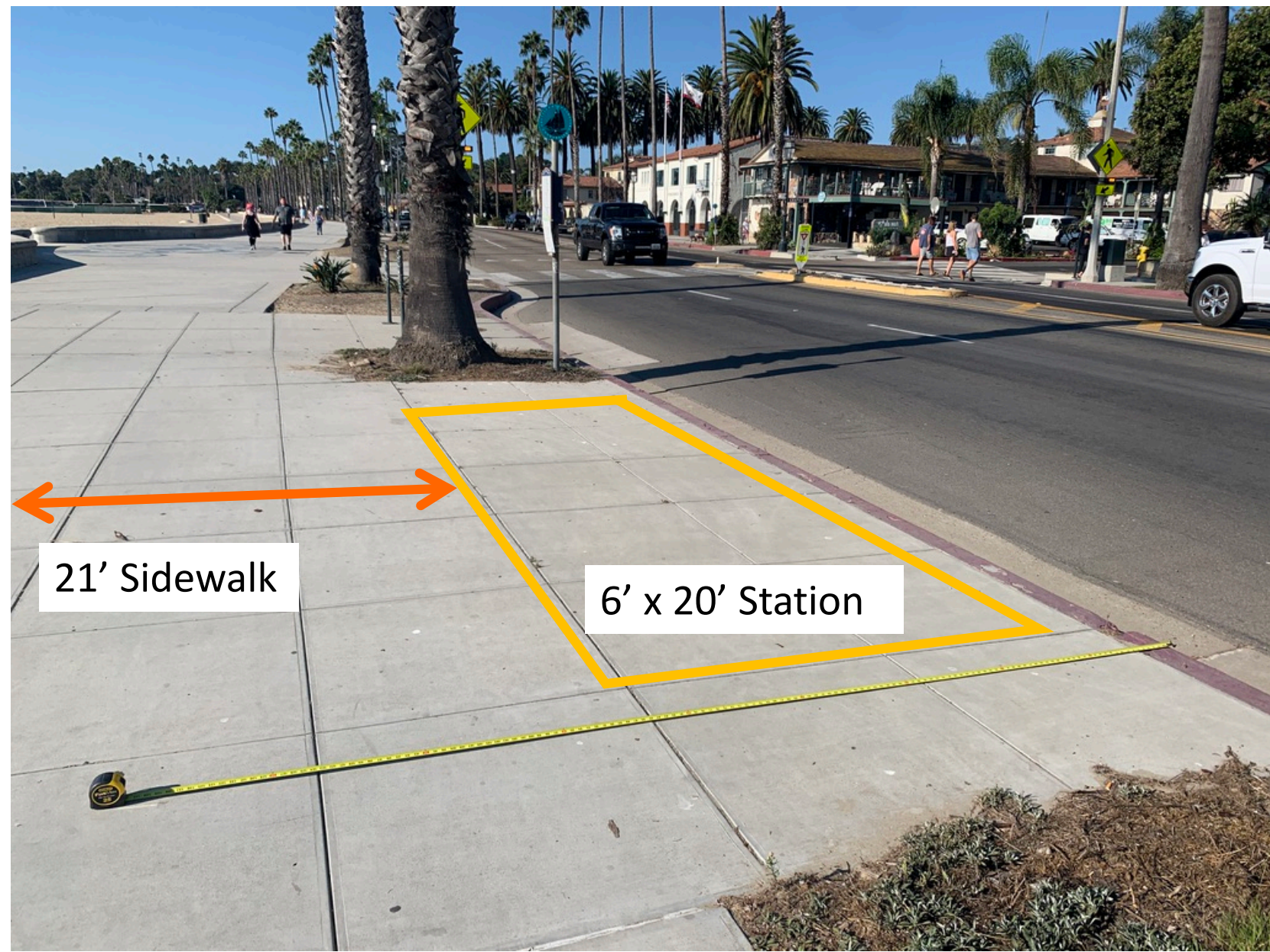
8. Cabrillo and Chapala

Station size: 6' x 20'
Station type: 3.0, up to 8 docks
99 W Cabrillo Blvd at Chapala St, Santa Barbara, CA
93101
Lat: 34.411269
Long: -119.690104

Notes:
Adjacent to other bike parking
Highly visible
Doesn't need 2' door zone from curb face (red curb zone)
Waterfront Shuttle Stop (adjacent location (East) has 20' clear for station as well)
Area between trees is 22'10"



Alternate location



21' Sidewalk

6' x 20' Station

9. Cabrillo/Anacapa (Skater's Point)

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

E Cabrillo Blvd at Anacapa St, Santa Barbara, CA 93101

Lat: 34.413211

Long: -119.687951

Notes:

Close to skate park

Doesn't need 2' door zone from curb face (red curb zone)

Leaves buffer for Wheel Fun

30' available in curb extension

21' clear from intersection with sidewalk towards skate park to start of crosswalk apron (drawing not to scale)



10. Cabrillo West Lot

Station size: 6' x 20'

Station type: 3.0 or 1.0 with **Kiosk**, up to 8 docks

E Cabrillo Blvd at Corona Del Mar, Santa Barbara, CA 93101

Lat: 34.416983

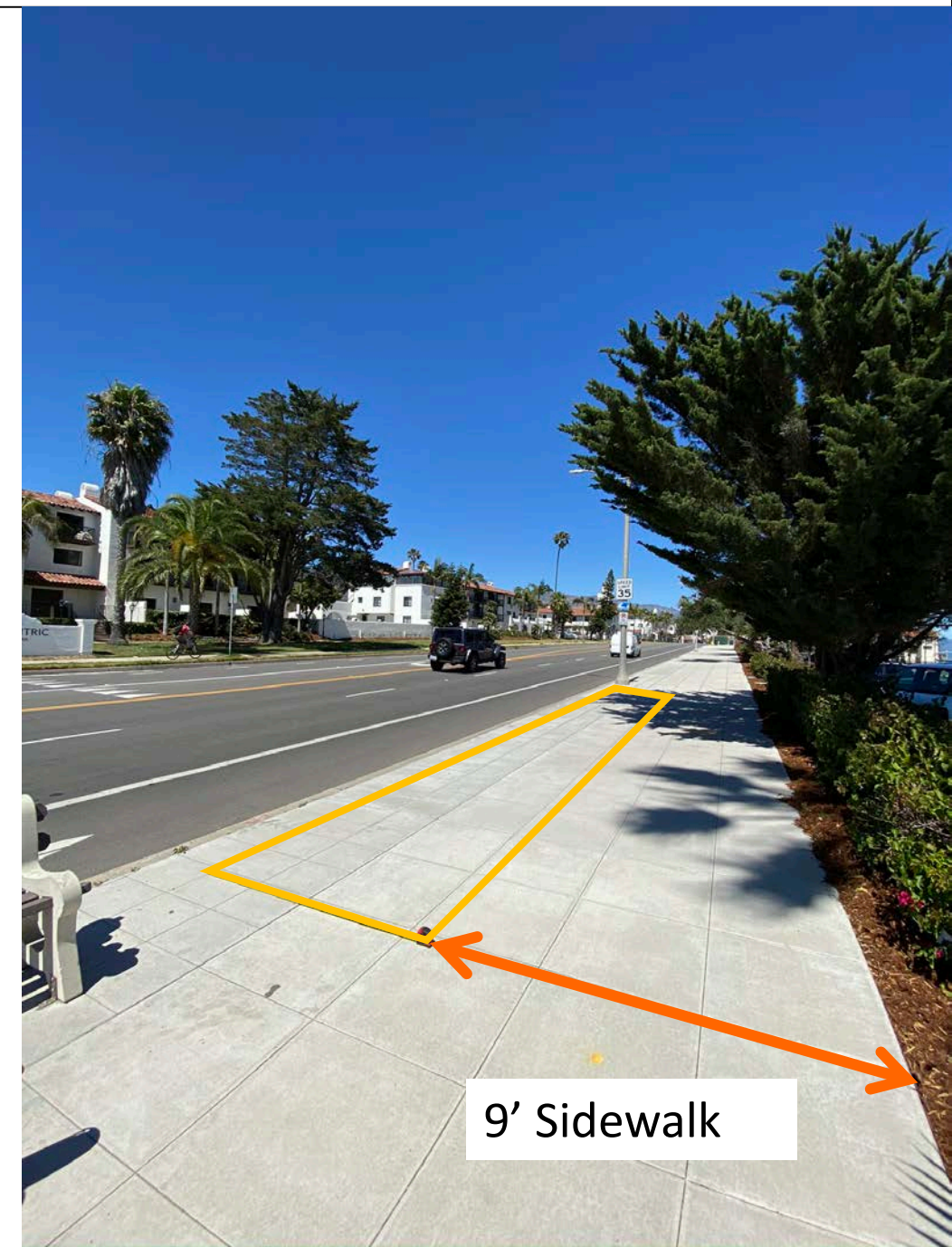
Long: -119.670666

Notes:

Adjacent to bench

No Parking area, does not require 2' door zone?

Area between bench and light pole is 50'+





City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: November 12, 2020
AGENDA DATE: November 19, 2020
PROJECT: Bicycle Share Stations in the Coastal Zone (PLN2020-00547/CDP2020-00017)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470, extension 2687
Allison DeBusk, Senior Planner *ALD*
Pilar Plummer, Assistant Planner *PCP*

I. SUMMARY

In partnership with the City's permitted bicycle share operator, BCycle, the Public Works Department's Transportation Planning Division is seeking a Coastal Development Permit to construct bicycle (bike) share stations (groupings of bike share docks and/or kiosks) in the Coastal Zone as part of City Council's Bicycle Share Pilot Program (Program). A number of proposed bike share station sites in the Waterfront and Downtown neighborhoods are located within the Coastal Zone. These station locations are critical to the success of the pilot Program. While the locations of specific bicycle share stations are identified in the proposal, the Public Works Department is requesting a programmatic Coastal Development Permit, which provides the needed flexibility for station locations to change over time based on bike share demand (Exhibits B and C – Applicant Letter and Project Plans).

II. REQUIRED APPLICATIONS

The discretionary application required for this project is:

A Coastal Development Permit (CDP2020-00017) to allow the proposed bike share program, including docking stations, in the Appealable and Nonappealable Jurisdictions of the City's Coastal Zone (SBMC §28.44.060).

APPLICATION DEEMED COMPLETE: November 6, 2020
DATE ACTION REQUIRED: February 4, 2021

III. RECOMMENDATION

Staff recommends that the Planning Commission approve a programmatic Coastal Development Permit to allow bicycle share stations to be located with the public right-of-way in the Coastal Zone, making the findings outlined in Section IX of this report, and subject to the conditions of approval in Exhibit A.

IV. PROJECT DESCRIPTION

The bike share system, when complete, would involve the installation of around 500 docks that

serve a fleet of around 250 pedal-assist electric bikes. This initial phase would involve the installation of bike share docks in the Downtown and Waterfront neighborhoods, some of which are also located in the Coastal Zone, and would establish the “core” of the bike share system, which would then expand to other neighborhoods as demand and usage increase. The State Street Downtown and Waterfront areas, which contain some of the most frequented destinations in the City, are important to the success of bike share in Santa Barbara. Any bike share program would need to serve these locations in the Coastal Zone to remain commercially viable.

Public Works Staff has worked closely with representatives from BCycle in the planning and development of the bike share Program. BCycle was selected for its simple aesthetic bike docks that would be installed on existing sidewalk in the “street furniture” zone where bike racks, signage, landscaping, and news racks are typically installed. Exhibit C provides a number of photo simulations that show what the docks would look like in proposed State Street or Waterfront locations.

So far, 10 bike docking stations have been identified in the Coastal Zone. The majority of bike docks will be installed by drilling into existing concrete. Where bricks are the material surface, the racks would initially be installed with a plate on top of the bricks in the State Street Promenade area. There are two proposed locations located outside of City right-of-way on City Waterfront-owned property. The first location is in existing concrete at the Harbor pedestrian entrance and the second location is adjacent to the Beachway and sidewalks where a small portion of a landscape planter would be removed and replaced with concrete. Maximum depth of concrete would be 4-6 inches.

Approximately 3-4 kiosks are currently proposed within the Coastal Zone at the following locations: one kiosk adjacent to *either* the Harbor View Inn (101 State Street) or the Goat Tree (36 State Street), one at the Santa Barbara Harbor (adjacent to the Beachway bike path between Marina 2 and Marina 3), one at the Cabrillo/Chapala intersection (~99 W. Cabrillo Blvd.), and one at the Cabrillo/Anacapa intersection (~100 E. Cabrillo Blvd.). These locations are subject to change. Generally, City staff and BCycle are working to limit the number of kiosks to the lowest practical amount.

Determining additional locations of dock stations requires assessing the potential consumer demand. Once installed, BCycle anticipates the need to adjust, add, or subtract locations based on the real bike share system demand. Therefore, the CDP, if approved, would include the ability to move, add, or remove dock stations as needs ebb and flow. All locations would comply with the City’s Access and Parking Design Standards and Bicycle and Pedestrian Master Plans. None of the locations would be located within sensitive habitat or biologically sensitive areas. Once the typical site details are approved, any additional site locations would be reviewed and approved by Public Works, in coordination with Planning Division staff, prior to installation/removal.

V. BACKGROUND AND DESIGN REVIEW

Bike share implementation is referenced in the General Plan and has been a community requested public service for many years. In May 2019, City Council directed Public Works Staff to move forward with development of a Bicycle Share Pilot Program, and to allow a permitted operator

to provide self-service rental bikes in the City of Santa Barbara for a maximum of three years under the pilot Program. At the conclusion of the pilot period and with the data gathered from the Program, City staff and the Transportation and Circulation Committee would evaluate the Program's effectiveness to determine whether a more permanent program should be implemented. After the May 2019 Council meeting, staff developed and released a Request for Applications. With the assistance of a bike share selection committee comprised of representatives from UCSB, the City of Goleta, and the Santa Barbara County Association of Governments, BCycle was selected and issued a permit for operation in the City of Santa Barbara. BCycle is an established company with more than ten years of demonstrated bike share implementation and management experience, and is backed by the bike and business expertise of its parent company, Trek Bicycle Corporation. Upon City Council's acceptance of the BCycle application, staff worked to develop the initial implementation phase of the Program.

In August and September 2020, staff presented the Program's bike share docking stations to the Architectural Board of Review (ABR) and the Historic Landmarks Commission (HLC). At the August 24, 2020 ABR meeting, the ABR granted Project Design and Final Approval for the bike share docking stations based on the plans submitted and details presented at the meeting (Exhibit D – ABR Meeting Minutes). At the time of the ABR meeting, the need for a CDP had not yet been determined; the majority of the locations reviewed by the ABR are outside of the coastal zone.

Staff presented to the HLC on three separate occasions: August 5, 2020 for Concept Review; September 3, 2020 for Project Design and Final Approval; and lastly on September 16, 2020 for a final determination, at which point the HLC denied approval of the bike share docking stations (Exhibit E – HLC Meeting Minutes). Throughout this process, HLC members expressed concerns that the docking systems did not fit with the historic character of El Pueblo Viejo, and requested further siting information in order to provide Approval for the Program.

In response to this feedback from the HLC, staff returned to City Council on October 20, 2020, with a temporary approach to bike share station locations along the State Street Promenade. Council supported staff's recommendation to implement bike share stations along the Promenade in a more temporary fashion, and agreed that the timeline for these temporary stations and the development of the bike share pilot Program (a three-year duration) should dovetail with the timeline for the Interim phase of the State Street Promenade. City Staff acknowledged at the meeting that any locations along State Street within the Coastal Zone, which is anywhere on State south of Highway 101, would require a Coastal Development Permit.

Additionally, given the temporary nature of the pilot Program, Council found that public interest for the Program supersedes the need for HLC review of the bike share docking systems. At the end of the three-year pilot period, and when further information has been gained thorough the development and monitoring of the bike share Program, a more permanent Program design will be submitted for HLC review and input. Please see Exhibit F for the City Council Meeting Minutes.

VI. CONSISTENCY WITH THE LOCAL COASTAL PLAN

The project site encompasses both the Appealable and Nonappealable Jurisdictions of the Coastal

Zone. The project requires a Coastal Development Permit and therefore must be found consistent with the California Coastal Act and the City's Local Coastal Program (LCP), which implements the California Coastal Act.

The City's vision for sustainable transportation, as identified in the Circulation Element of the General Plan and repeated in the Public Access Chapter of the Coastal Land Use Plan (LUP) states: "while sustaining or increasing economic vitality and quality of life, Santa Barbara should be a city in which alternative forms of transportation and mobility are so available and so attractive that use of an automobile is a choice, not a necessity." To that end, a variety of sustainable transportation modes are available and used to maximize public access to the shoreline and coast, including transit, bicycling, and walking. Bicycle access to and along the coast is facilitated by a network of bicycle routes included on most of the major roads parallel and perpendicular to the coast. The Beachway path is part of the regional Coast Bicycling Route from Goleta to Carpinteria, and the California Coastal Trail, separated from automobile traffic from the Harbor to Andrée Clark Bird Refuge. In addition to the Beachway path, bicycle access along the coast is provided with Class II¹ bike lanes along portions of Cliff Drive, Shoreline Drive, Cabrillo Boulevard, Old Coast Highway, and Coast Village Road. Class II bike lanes are also present on many of the roads from Downtown and inland Santa Barbara neighborhoods to the coast. Class III² bike routes are also established in portions of the Coastal Zone.

A new 2.6-mile-long separated multiuse pathway for bicyclists and pedestrians is currently under construction along Las Positas Road to Cliff Drive, providing key connections among the City's regional Cross-town and Coastal Bike Routes and to Arroyo Burro Beach County Park.

The Bicycle Share Pilot Program would provide access to shared bikes along these keys routes, and would increase coastal access by providing bike share bikes for residents and visitors alike to enjoy the network of City bicycling infrastructure. The Bicycle Share Pilot Program would be consistent with the following Coastal LUP Policies:

Policy 3.1-7 Encourage Sustainable Transportation. Encourage use of sustainable transportation, (i.e., pedestrian, bicycle, and transit) to the shoreline, along the coast, and throughout the Coastal Zone.

Policy 3.1-27 Maintain, Improve, and Maximize Sustainable Coastal Access. New development and substantial redevelopment shall maintain and, where appropriate and feasible, improve and maximize safe walking, bicycling, and transit use to and within the Coastal Zone, consistent with the protection of coastal resources, through such methods as:....."Improving and providing additional bicycling and walking routes and facilities such as public bicycle racks and lockers for bicyclists and seating and resting areas for pedestrians."

Please note that the identified locations do not conflict with any existing public bike racks. If a conflict does arise, BCycle would be required to relocate the public bike rack.

VII. CONSISTENCY WITH THE COASTAL ACT

¹ Class II bike lanes are bike lanes painted with a white stripe adjacent to an automobile travel lane.

² Class III bike routes are either signed or designated routes but do not create separate space for people on bikes.

The project is proposed within entirely developed areas, consistent with Coastal Act Policy, per Public Resources Code §30250. The proposal consists of minimal infrastructure and therefore would be visually compatible with the character of the area and would not significantly impact views to or along the ocean or scenic coastal areas, consistent with Coastal Act Policy, per Public Resources Code §30251. Finally, the project would enhance public access to and along the coast by providing more readily-accessible alternative transportation modes within the coastal zone in general, and along the Waterfront in particular.

VIII. ENVIRONMENTAL REVIEW

The bike share docking stations qualify for an exemption under the California Environmental Quality Act (CEQA) per Guidelines Section 15301. Existing Facilities, which allows for the operation, repair, maintenance, permitting, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Section 15301 (c) identifies existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes as examples of appropriate improvements that can qualify for this exemption.

Additionally, the project would not result in any cumulative impacts, have any significant effects, result in damage to scenic resources, nor be located on a hazardous waste site; therefore, none of the exceptions (per Guidelines Section 15300.2) to use of a categorical exemption apply to the project.

IX. FINDINGS

The Planning Commission finds the following:

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it provides sustainable active transportation options which can enhance connectivity to the regional bicycling network and increase access to the shoreline and coast, as described in Sections VII and VIII of the Staff Report.
2. The project is consistent with all applicable policies of the City's Coastal Land Use Plan, all applicable implementing guidelines, and all applicable provisions of the Code because it encourages sustainable transportation and enhances bicycling and sustainable coastal access throughout the coastal zone, as described in Section VII of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Applicant Letter
- C. Project Plans with Bicycle Share Docking Details
- D. ABR Meeting Minutes, August 24, 2020

- E. HLC Meeting Minutes
 - 1. August 5, 2020
 - 2. September 2, 2020
 - 3. September 16, 2020
- F. City Council Meeting Minutes, October 20, 2020

DRAFT PLANNING COMMISSION CONDITIONS OF APPROVAL

BIKE SHARE IN THE COASTAL ZONE
COASTAL DEVELOPMENT PERMIT
NOVEMBER 19, 2020

- I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 19, 2020 is limited to bike share stations within the Coastal Zone. Station locations shall not be located in an Environmentally Sensitive Habitat Area and shall not involve any tree removal. Existing trees shall be preserved and protected prior to and during any bike station installation.
- B. **Requirements Prior to Construction.** BCycle shall submit the following, or evidence of completion of the following, for review and approval by the Public Works Department prior to installation of any bike share station.
1. Location map, rack type and final dimensions of bike share parking area. The existing sidewalks through zone shall also be dimensioned. Typical installation details for the proposed location.
 2. All installations must be as approved by the Public Works Department.
- C. **Prior to Final Inspection by Public Works Inspector.** Prior to final inspection by Public Works Inspector, BCycle shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.
- D. **General Conditions.**
1. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All bike share station locations shall be located substantially as shown on the plans approved by the Planning Commission. Public Works Department shall work with the Community Development Department, Planning Division on other future locations within the coastal zone with similar documentation provided for the known locations to ensure locations remain consistent with project approval.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit

and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

II. Time Limits: NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. The use has commenced, which in this case means that the Permittee has operational bike share locations in the Coastal Zone approved and inspected by the Public Works Department.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.



City of Santa Barbara

Public Works Department

SantaBarbaraCA.gov

October 23, 2020

Main Office

630 Garden Street
P.O. Box 1990
Santa Barbara, CA
93102-1990

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Engineering

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Fax: (805) 564-5467

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Streets Operations

& Infrastructure

Management

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Fax: (805) 897-1991

Transportation Planning

& Parking

Tel: (805) 564-5385
Fax: (805) 564-5467

Water Resources

Tel: (805) 564-5387
Fax: (805) 897-1991

Planning Division

Attn: Planning Commission
630 State Street
Santa Barbara, CA 93101

Re: Bicycle Share Pilot Program Implementation

Dear Planning Commission:

In partnership with our permitted bike share operator, BCycle, the Public Works Department's Transportation Planning Division is seeking a Coastal Development Permit to construct bicycle (bike) share stations (groupings of bike share docks and/or kiosks) in the Coastal Zone as part of City Council's Bicycle Share Pilot Share Program (Program). Bike share has been a community requested public service for many years, and after much research, staff time, and Program development, City Council has directed staff to implement the Bicycle Share Pilot Program. A number of the sites in the Waterfront and Downtown neighborhoods are also located within the Coastal Zone. These station locations are critical to the success of the pilot Program. While some bicycle share stations have been identified, City staff is requesting a programmatic Coastal Development Permit, which provides the needed flexibility for future installations as the Program develops momentum and ridership.

Background

In May 2019, Council directed staff to move forward with the development of a Bicycle Share Pilot Program, and to allow a permitted operator to provide self-service rental bikes in the City of Santa Barbara for a maximum of three years under the pilot Program. At the conclusion of the pilot period and with the data gathered from the Program, City staff and the Transportation and Circulation Committee will evaluate the Program's effectiveness to determine whether a more permanent program should be implemented. After the May 2019 Council meeting, staff developed and released a Request for Applications. With the assistance of a bike share selection committee comprised of representatives from UCSB, the City of Goleta, and the Santa Barbara County Association of Governments, BCycle was selected and issued a permit for operation in the City of Santa Barbara. BCycle is an established company with more than ten years of demonstrated bike share implementation and management experience, and is backed by the bike and business expertise of its parent company, Trek Bicycle Corporation. Upon accepting the BCycle application by City Council, staff worked to develop the initial implementation phase of the Program.

Initial Phase of the Pilot Program

The bike share system, when complete, would involve the installation of around 500 docks that serve a fleet of around 250 pedal-assist electric bikes. This initial phase would involve the installation of bike share docks in the Downtown and Waterfront neighborhoods, some of which

are also located in the Coastal Zone, and would establish the “core” of the bike share system, which would then expand to other neighborhoods as demand and usage increase. The State Street Downtown and Waterfront areas, which contain some of the most frequented destinations in the City, are important to the success of bike share in Santa Barbara. Any bike share program would need to serve these locations in the Coastal Zone to remain commercially viable.

Bike Share in the Coastal Zone

Staff has worked closely with representatives from BCycle in the planning and development of the bike share Program. BCycle was selected for its simple aesthetic bike docks that would be installed on existing sidewalk in the “street furniture” zone where bike racks, signage, landscaping, news racks are typically installed. Within the submittal packet, a number of photo simulations show what the docks would look like in proposed State Street or Waterfront locations. Determining the location of dock stations requires assessing the potential consumer demand. Once installed, BCycle anticipates the need to adjust, add, or subtract locations based on the real bike share system demand. Therefore, the CDP, if approved, would include the ability to move, add, or remove dock stations as needs ebb and flow. All locations would comply with the City’s Access and Parking Design Standards and Bicycle and Pedestrian Master Plans. Once the typical site details are approved, any additional site locations would be reviewed and approved by Public Works prior to installation/removal.

Bike Share consistency with the City’s Local Coastal Program

The City’s vision for sustainable transportation states: “while sustaining or increasing economic vitality and quality of life, Santa Barbara should be a city in which alternative forms of transportation and mobility are so available and so attractive that use of an automobile is a choice, not a necessity.” To that end, a variety of sustainable transportation modes are available and used to maximize public access to the shoreline and coast, including transit, bicycling, and walking. Bicycle access to and along the coast is facilitated by a network of bicycle routes included on most of the major roads parallel and perpendicular to the coast. The Beachway path is part of the regional Coast Bicycling Route from Goleta to Carpinteria and the California Coastal Trail, separated from automobile traffic from the Harbor to Andrée Clark Bird Refuge. In addition to the Beachway path, bicycle access along the coast is provided with Class II bike lanes along portions of Cliff Drive, Shoreline Drive, Cabrillo Boulevard, Old Coast Highway, and Coast Village Road. Class II bike lanes are also present on many of the roads from Downtown and inland Santa Barbara neighborhoods to the coast. Class III bike routes are also established in portions of the Coastal Zone.

A new 2.6 mile-long separated multiuse pathway for bicyclists and pedestrians is currently under construction along Las Positas Road to Cliff Drive, providing key connections among the City’s regional Cross-town and Coastal Bike Routes and to Arroyo Burro Beach County Park.

The Bicycle Share Pilot Program would provide bike parking along these key routes, providing residents an opportunity to use City infrastructures with bike share bikes with their paid membership. The Bicycle Share Pilot Program would be consistent with the following Local

Coastal Plan Policies:

Policy 3.1-7 Encourage Sustainable Transportation. Encourage use of sustainable transportation, (i.e., pedestrian, bicycle, and transit) to the shoreline, along the coast, and throughout the Coastal Zone.

Policy 3.1-27 Maintain, Improve, and Maximize Sustainable Coastal Access. New development and substantial redevelopment shall maintain and, where appropriate and feasible, improve and maximize safe walking, bicycling, and transit use to and within the Coastal Zone, consistent with the protection of coastal resources, through such methods as:

- A. Using dedication, acquisition of property or easements, and other applicable methods to connect bicyclists and pedestrians to public parking areas and points of interest;
- B. Improving and providing additional bicycling and walking routes and facilities such as public bicycle racks and lockers for bicyclists and seating and resting areas for pedestrians;
- C. Improving sustainable transportation connections from existing public parking lots to the Coastal Zone;
- D. Working with Metropolitan Transit District (MTD), or other appropriate transit agencies, to maximize use of transit by improving bus and shuttle service, routes, turnouts, and shelters;
- E. Working with commuter rail operators to improve rail service;
- F. Improving the Beachway path to increase safety for all users;
- G. Improving street lighting to provide safe pedestrian access along pedestrian corridors, especially between State Street, Stearns Wharf, the Harbor, and visitor-serving accommodations;
- H. Converting excess vehicle capacity at the State Street underpass of Highway 101 to a more pedestrian- and bicyclist-friendly space; and
- I. Improving and maximizing safe walking, cycling, and transit use to and within the Coastal Zone at Santa Barbara City College.

Request

The City of Santa Barbara's Public Works Department requests the approval of a programmatic Coastal Development Permit for the installation of bike docking stations associated with the Bicycle Share Pilot Program. The Program is consistent with City Council direction for the Bicycle Share Pilot Program and consistent with the City's Local Coastal Plan, Circulation Element, Bicycle Master Plan and Pedestrian Master Plan.

Please contact Jessica Grant, at JGrant@SantaBarbaraCA.gov if you have any questions.

Sincerely,

Jessica W. Grant, Supervising Transportation Planner

**SANTA BARBARA BCYCLE PILOT
BIKE SHARE PROGRAM:
COASTAL DEVELOPMENT PERMIT**





BCycle
SANTA BARBARA

CITY OF SANTA BARBARA

BICYCLE SHARE PILOT PROGRAM IN THE COASTAL ZONE

PROJECT DATA

PROJECT OWNER/TEAM: CITY OF SANTA BARBARA / BICYCLE

PROJECT DESCRIPTION: THIS PROJECT IS THE FIRST PHASE OF BIKE SHARE IMPLEMENTATION IN SANTA BARBARA. WHEN COMPLETE, THE PROJECT WILL INVOLVE THE INSTALLATION OF 500 BIKE SHARE "DOCKS", WHICH WILL SERVE 250 ELECTRIC-ASSIST BIKES IN A PUBLIC BIKE SHARE SYSTEM. OF THE 500 DOCKS, AROUND 300-350 WILL BE LOCATED DOWNTOWN, MAINLY ALONG STATE STREET. THE REMAINING 150-200 DOCKS WILL BE LOCATED ALONG THE WATERFRONT. A NUMBER OF ENROLLMENT KIOSKS HELPS TO SERVE WALK-UP CUSTOMERS. THESE SHARE DOCKS AND "STATIONS" (GROUPINGS OF DOCKS) ARE LOCATED IN THE FURNITURE ZONE, ADJACENT TO OTHER STREET FIXTURES LIKE LIGHT POLES, NEWSPAPER STANDS, PLANTERS AND STREET TREES, AND EXISTING HITCHING POST BIKE PARKING. ALONG STATE STREET, AND IN THE DOWNTOWN AREA, THESE STATIONS WILL GENERALLY CONSIST OF SMALL GROUPS OF 2-6 DOCKS. ALONG THE WATERFRONT, AND IN HIGHER USAGE AREAS, THIS DOCK NUMBER MAY INCREASE TO ACCOMMODATE MORE USERS.

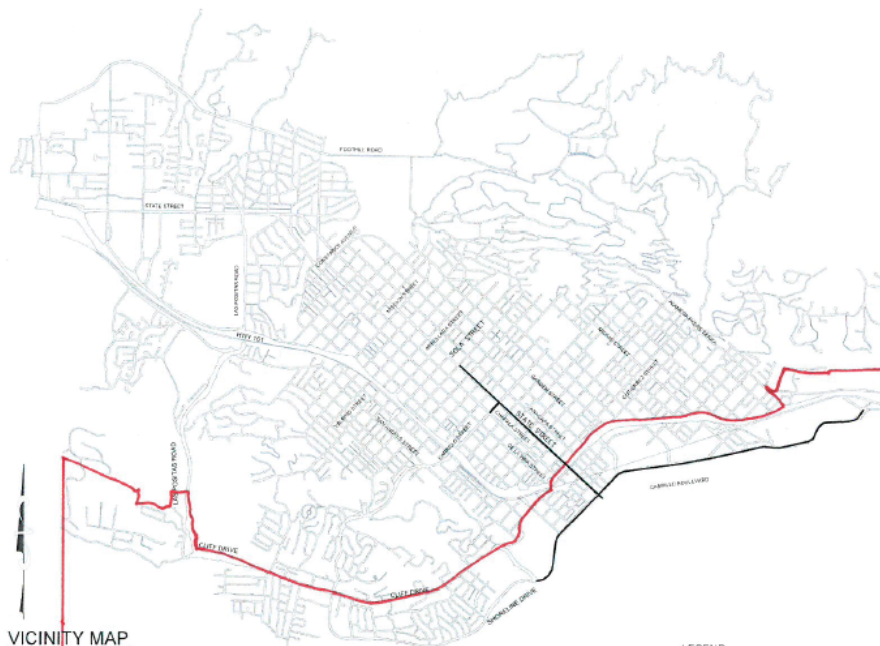
EXISTING AND PROPOSED USE: CITY RIGHT OF WAY/CITY OWNED PROPERTY

ADDRESS: MULTIPLE LOCATIONS IN THE CITY ROW IN THE DOWNTOWN AND WATERFRONT NEIGHBORHOODS

GENERAL PLAN AND LOCAL COASTAL LAND USE DESIGNATION: COMMERCIAL-HIGH DENSITY RESIDENTIAL, COMMERCIAL-MED HIGH DENSITY RESIDENTIAL, CIVIC AND HOSPITAL, HOTEL AND RELATED COMMERCIAL, RECREATIONAL OPEN SPACE, HARBOR COMMERCIAL

ZONE: C-G COMMERCIAL GENERAL, M-C MANUFACTURING COMMERCIAL, HRC-2 HOTEL AND RELATED COMMERCE, S-D-3 COASTAL OVERLAY ZONE, P-R PARKS AND RECREATION, H-C HARBOR

FLOODPLAIN DESIGNATION: PORTIONS WITHIN ZONES AH AND VE



VICINITY MAP
N. T. S.

LEGEND
PRIMARY BIKE SHARE INSTALLATION CORRIDOR
GENERAL AREA FOR ADDITIONAL INSTALLATIONS

SYMBOL LEGEND

EXISTING WATER MAIN	EXISTING CABLE TV	EXISTING WATER METER
EXISTING GAS MAIN	EXISTING EDGE OF PAVEMENT	EXISTING TELEPHONE MANHOLE
EXISTING SEWER MAIN	EXISTING FLOWLINE	EXISTING ELECTRIC PULL BOX
EXISTING SCE MAIN	EXISTING FIRE HYDRANT	EXISTING POWER POLE
EXISTING TELEPHONE MAIN	EXISTING WATER VALVE	EXISTING STREET SIGN
EXISTING STORM DRAIN MAIN	EXISTING GAS VALVE	EXISTING STREET LIGHT
EXISTING FENCE	EXISTING GAS METER	EXISTING CITY MONUMENT
RIGHT OF WAY LINE	EXISTING ELEVATION	EXISTING IP SURVEY MARKER

ABBREVIATION LEGEND

BM	BENCHMARK	MH	MANHOLE
BOW	BACK OF WALK	NYS	NOT TO SCALE
CTV	CABLE TELEVISION	R/W	RIGHT OF WAY
E	ELECTRICAL	S	SEWER
EP	EDGE OF PAVEMENT	SD	STORM DRAIN
ECNOC	EDGE OF CONCRETE	T	TELEPHONE
PH	FIRE HYDRANT	TC	TOP OF CURB
PL	FLOW LINE	TWM	TELEPHONE MANHOLE
FS	FRONT OF WALK	P	PAVEMENT
G	FINISH SURFACE	W	WATER

BASIS OF BEARINGS:
R/S BOOK 147,
PAGES 70-74
DATUM: NAVD 88



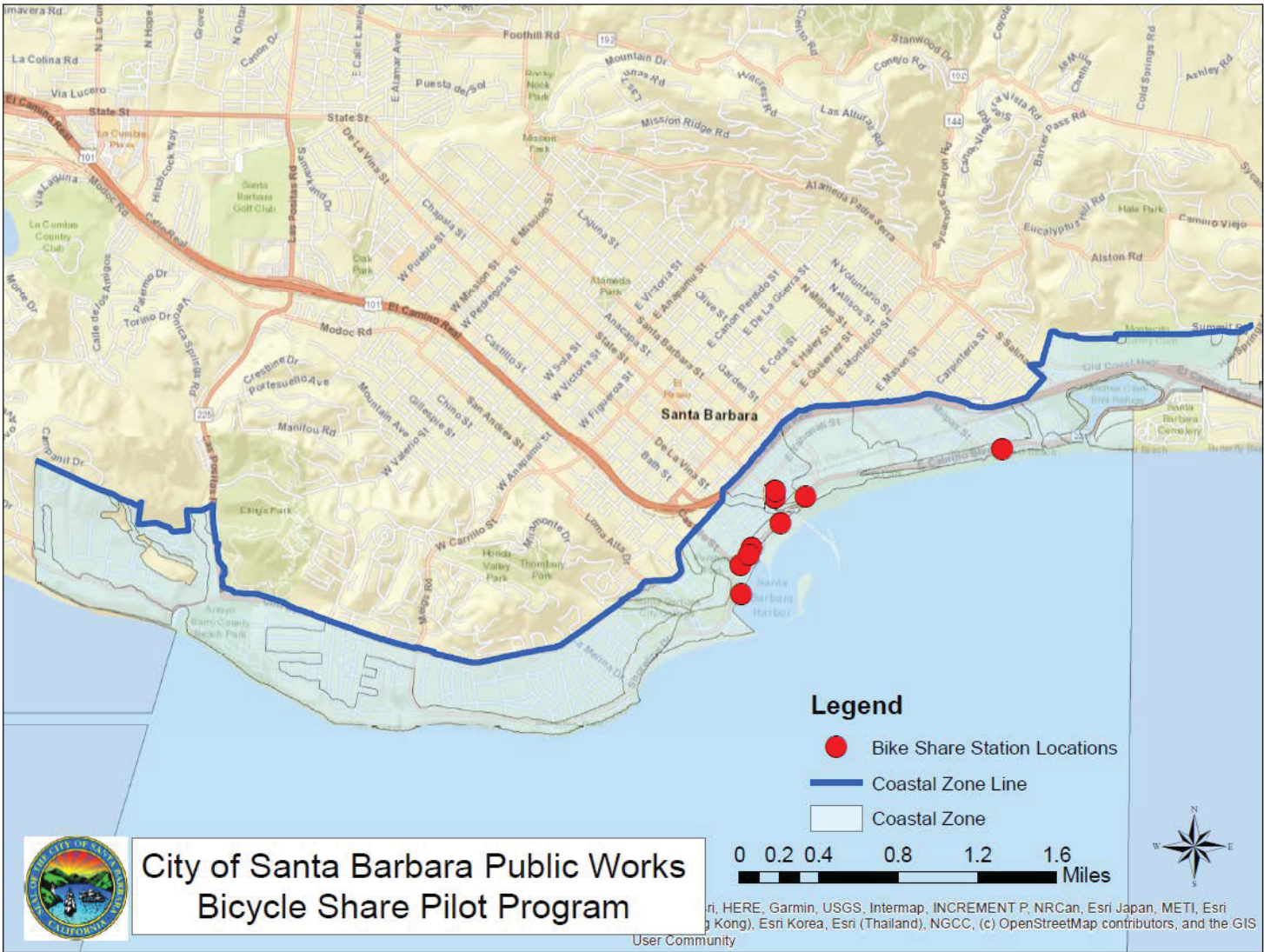
BIKE SHARE PROJECT TITLE SHEET

XXXX-XXXX
G1
C-X-XXX
SHEET 1 OF X

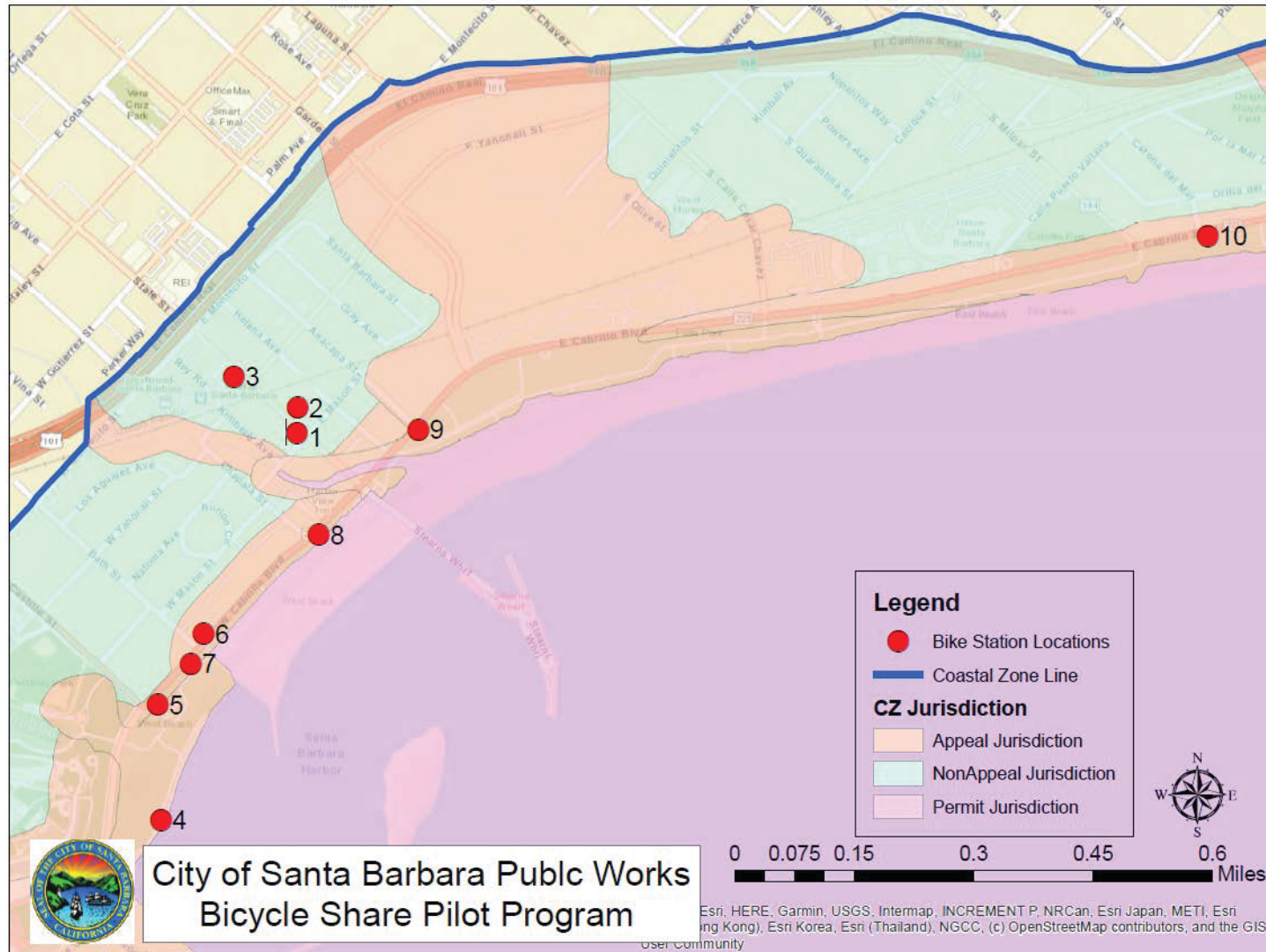
PUBLIC ROADS
DESIGN
ENGINEERING DIVISION
APPROVED
DESIGN
CHECKED
DATE
CITY ENGINEER
ISSUAL SHEET DATE

\\citylabcity.com\Departments\Public Works\Group Folders\Trans Operations\Personnel\Elmadrigal\2020\Projects\Bike share cover sheet\Bike share title sheet for environment\deg. 10/23/2020 2:08 PM, Alexis Flores

MAP SHOWING PROPOSED PROJECT AREA IN THE COASTAL ZONE



MAP SHOWING PROPOSED "TYPICAL" INSTALLATIONS IN THE COASTAL ZONE

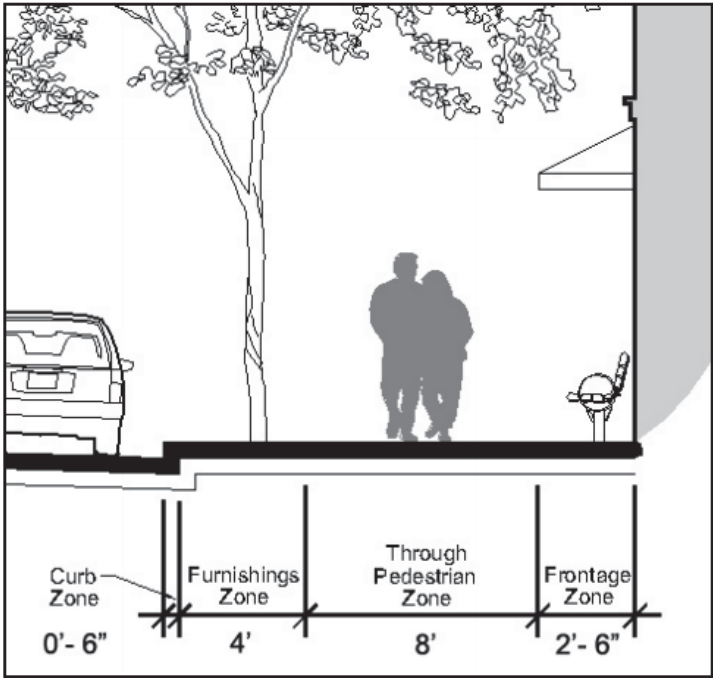


3.0 STATION PARAMETERS

- Siting Guidelines for Furniture Zone installation:
 - Minimum of 2 docks together
 - Minimum of 4 docks in immediate proximity (within 20 feet)
 - Stations within 1-2 minute walk to the next
- Project Scope:
 - 300-350 docks on State Street and in Downtown
 - 10 docks per block on State
 - 150-200 docks along the Waterfront



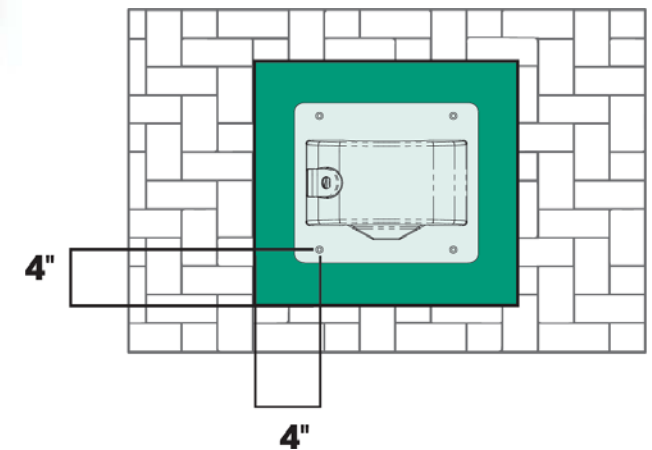
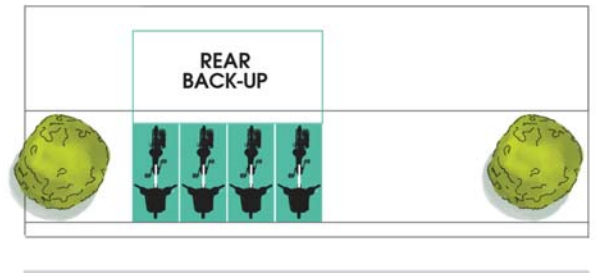
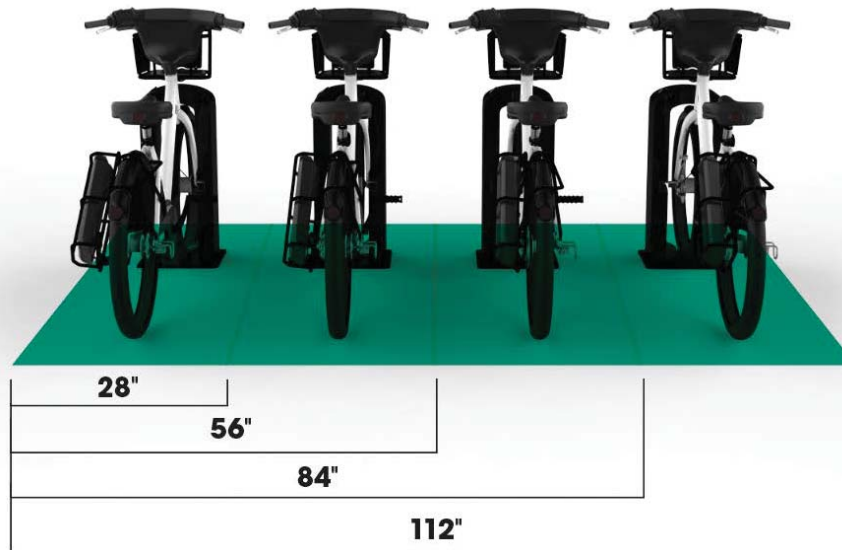
Through Pedestrian Zone, 2006 PMP



3.0 STATION PLANNING

IN THE FOLLOWING
PAGES WE WILL COVER:

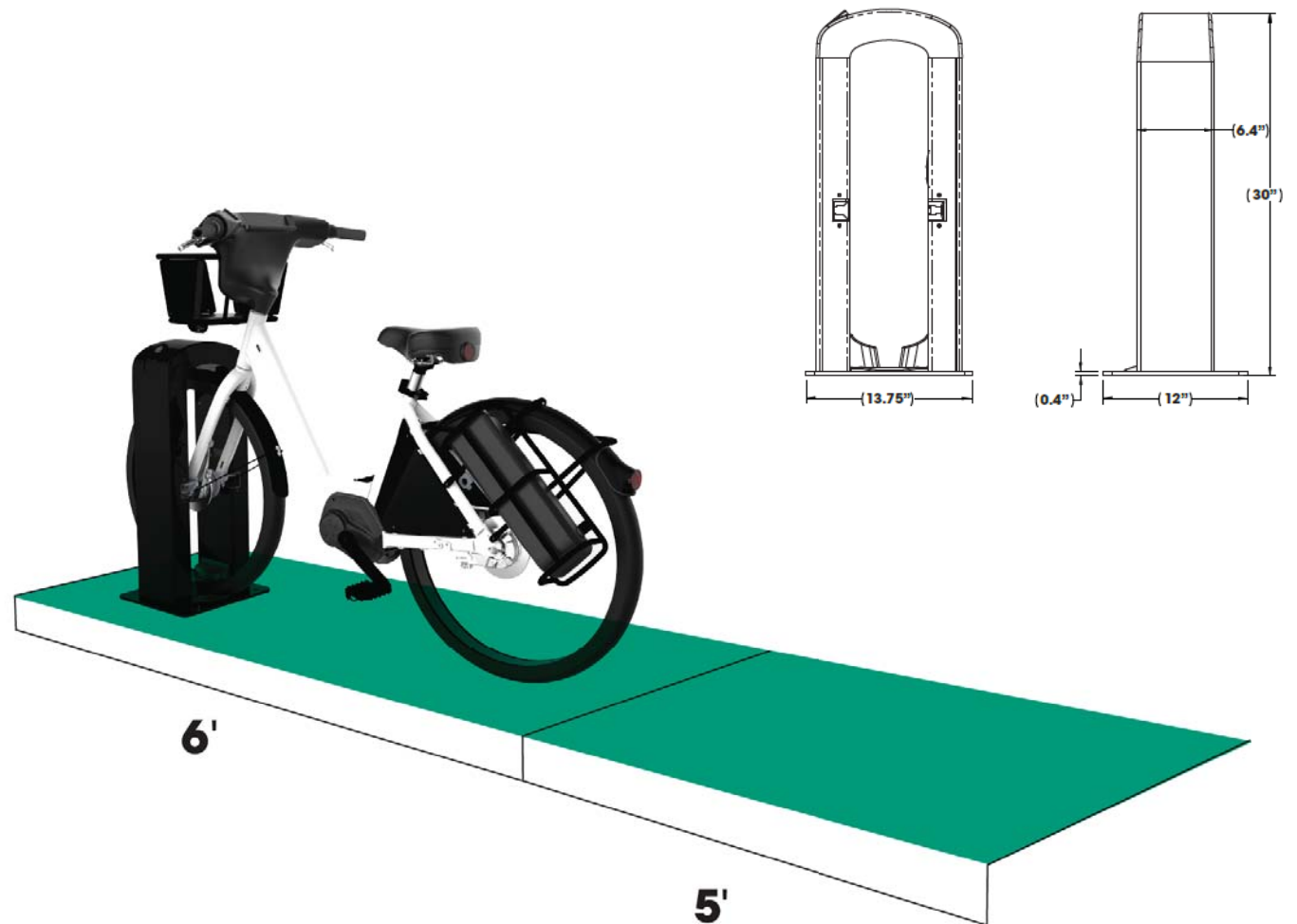
- Station Dimensions
- Install Dimensions
- Station Configurations
- Install Basics
- Station Mockups



3.0 STATION - INSTALL DIMENSIONS

STATION DEPTH:

- Single-sided stations must have at least 6' of space (this includes a 6" front tire overhang) plus a 5' back-up zone totaling 11'
- Double-sided stations must have at least 8'6" of space plus a recommended 5' back-up zone on each side totaling 16'6"



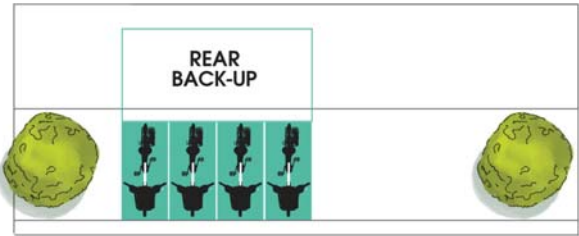
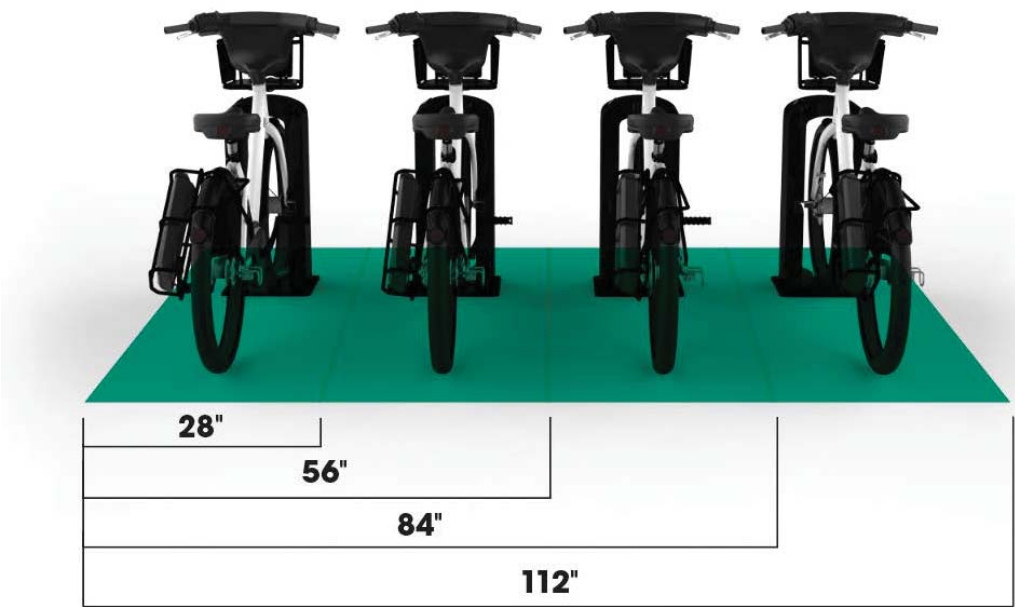
3.0 STATION - INSTALL DIMENSIONS

WITHOUT BASE PLATES:

- Length: 6' based on size of bike
- Width: 28" (handlebar width)

SPACING AND THROUGH ZONE:

- Docks need to be spaced 30" apart
- Allow 5ft backup zone from the back of the bike
- Rule of thumb: Need a 11ft area (~6 from the front of the bike to the end of the backup zone)
- Installations should avoid possible impediments on either side of handlebars (street lights, trash receptacles, etc.)
- Installations should maintain Pedestrian Through Zone
- Leave approximately 3 feet on either side of dock to allow people to walk through



QUICK KEY

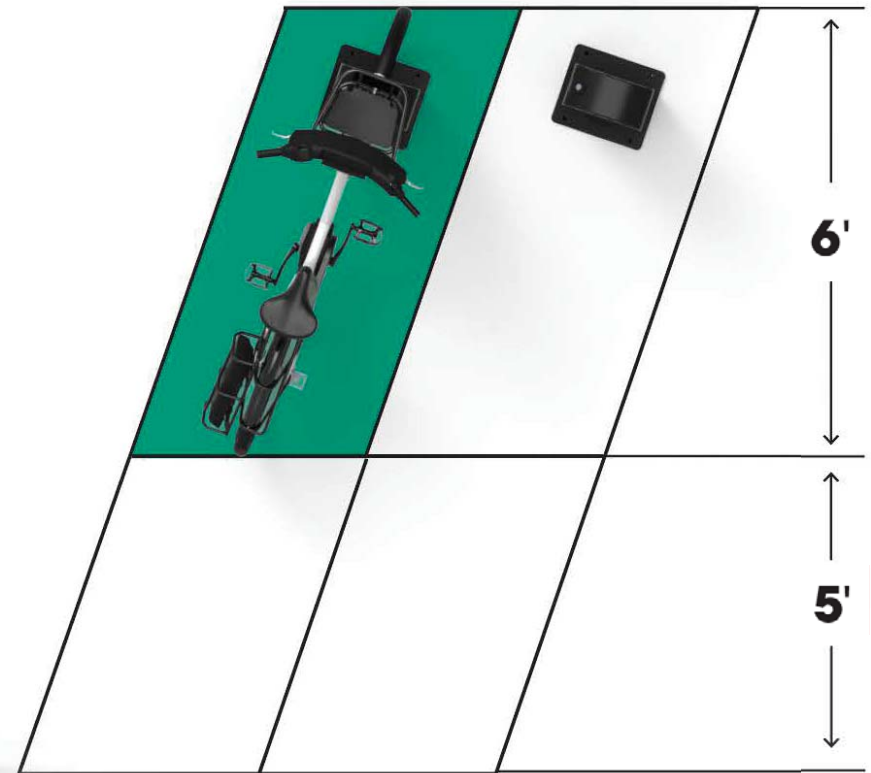
STATION WIDTH

# OF DOCKS	MIN. WIDTH
1	28" (2 1/3')
2	56" (4 2/3')
3	84" (7')
4	112" (9 1/3')
5	140" (11 2/3')
6	168" (14')
7	196" (16 1/3')
8	224" (18 2/3')

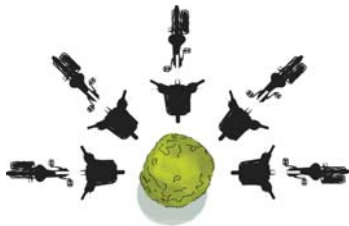
3.0 STATION - INSTALL DIMENSIONS

ANGLED STATION DEPTH (SPACE SAVER)

- Docks can be rotated 22.5 degrees to reduce footprint depth by 4-5".



3.0 STATION CONFIGURATIONS



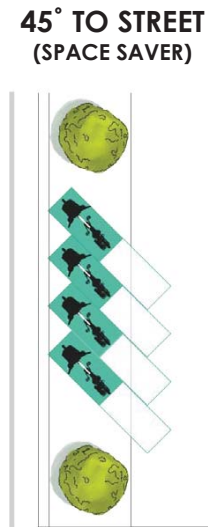
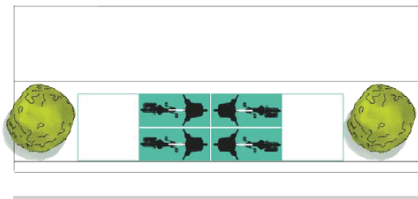
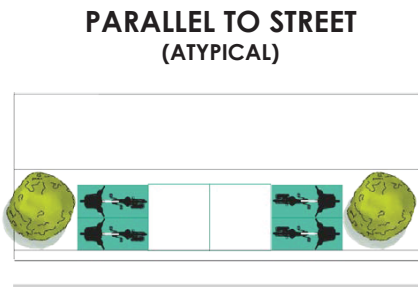
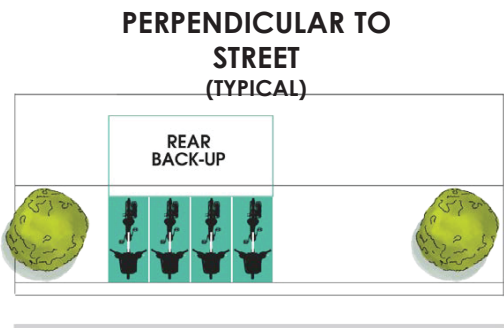
QUICK KEY

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5	140" (11 2/3')
6	168" (14')
7	196" (16 1/3')
8	224" (18 2/3')

STATION DEPTH:

The depth of the dock with a bike is 6'
 5 foot minimum needed behind the bike for the rear back up zone



LARGER 3.0 STATIONS COULD SERVE AS GREAT LOCATIONS FOR THE ENROLLMENT KIOSKS



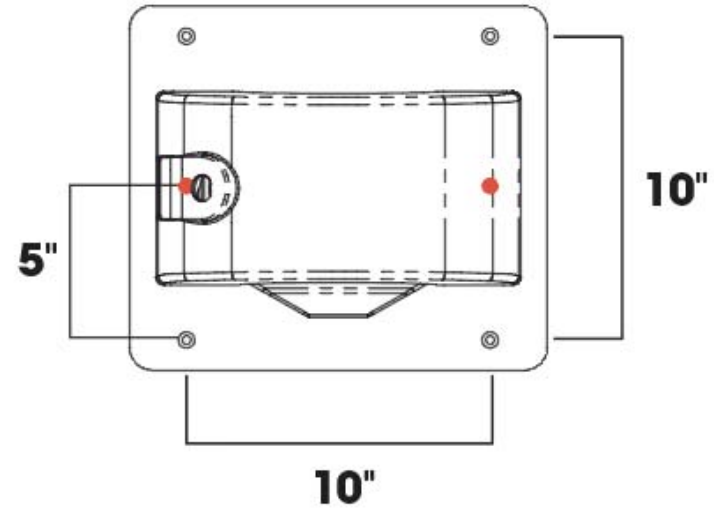
3.0 STATION – INSTALL BASICS



TOOLS:

- T25 security torx hand driver
- T27 security torx impact bit
- 3/16" x 10" SDS+ masonry bit
- M18 Fuel SDS+ Rotary Hammer*
- M18 Fuel 2spd impact driver

* We Strongly recommend the use of a "Rotary Hammer" over a "Hammer Drill" due to its harder preforming Hammer aspect, cutting drill time in half.



INSTALLING INTO CONCRETE:

There are 4 external holes that are equally spaced out by 10"

In **red**, you will find two additional hidden holes (within the leg) that can be used for added security but are not required.

3.0 STATION – INSTALL BASICS



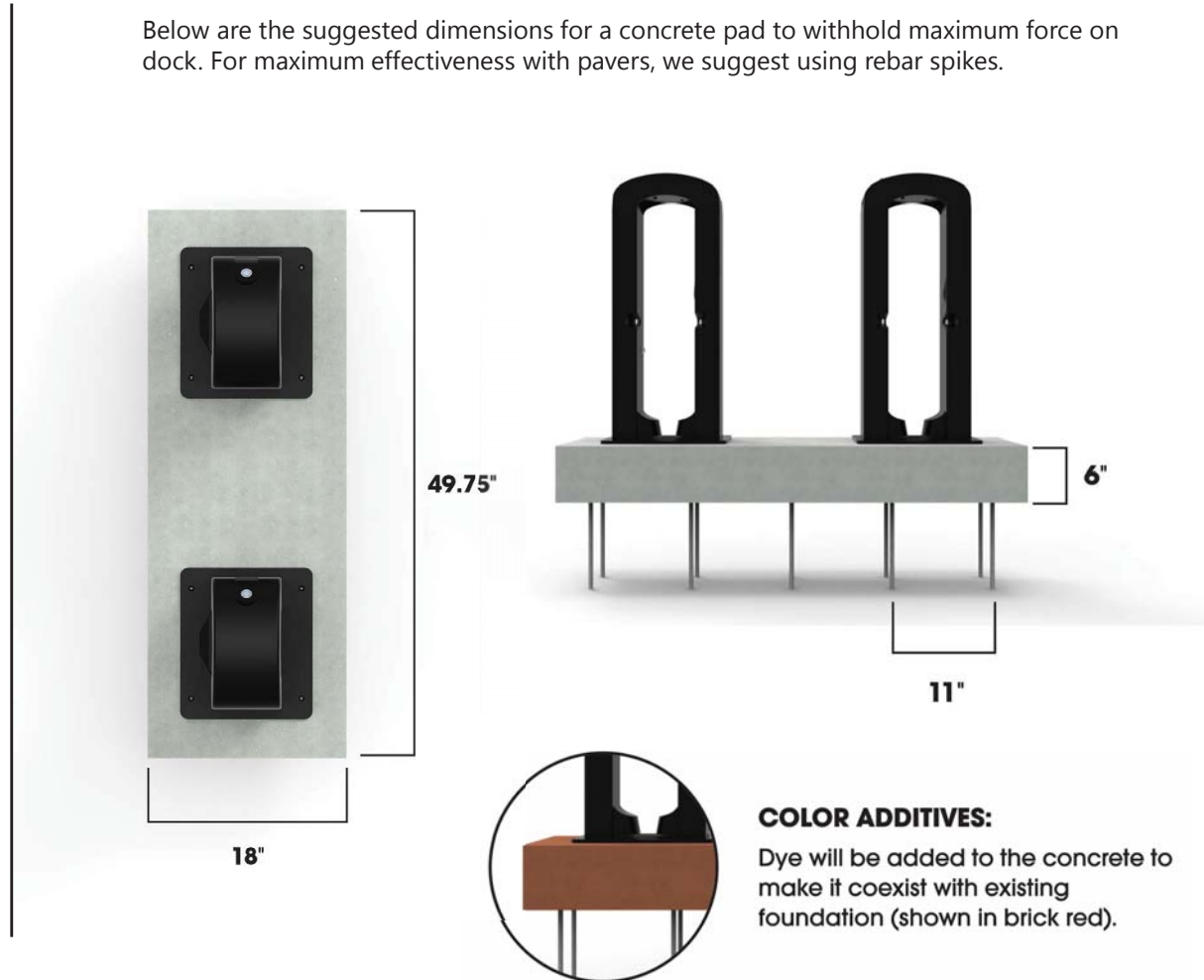
INSTALLING INTO PAVERS/ASPHALT:

The only difference here is that you will need to pour concrete pads*. BCycle suggests offsetting the pad at least 4" from the mounting holes to ensure the concrete won't crumble around the edges (See diagram to the right).

*We highly recommend using a concrete that meets or exceeds 2500 psi.

SUGGESTED CONCRETE PAD SPEC'S:

Below are the suggested dimensions for a concrete pad to withhold maximum force on dock. For maximum effectiveness with pavers, we suggest using rebar spikes.



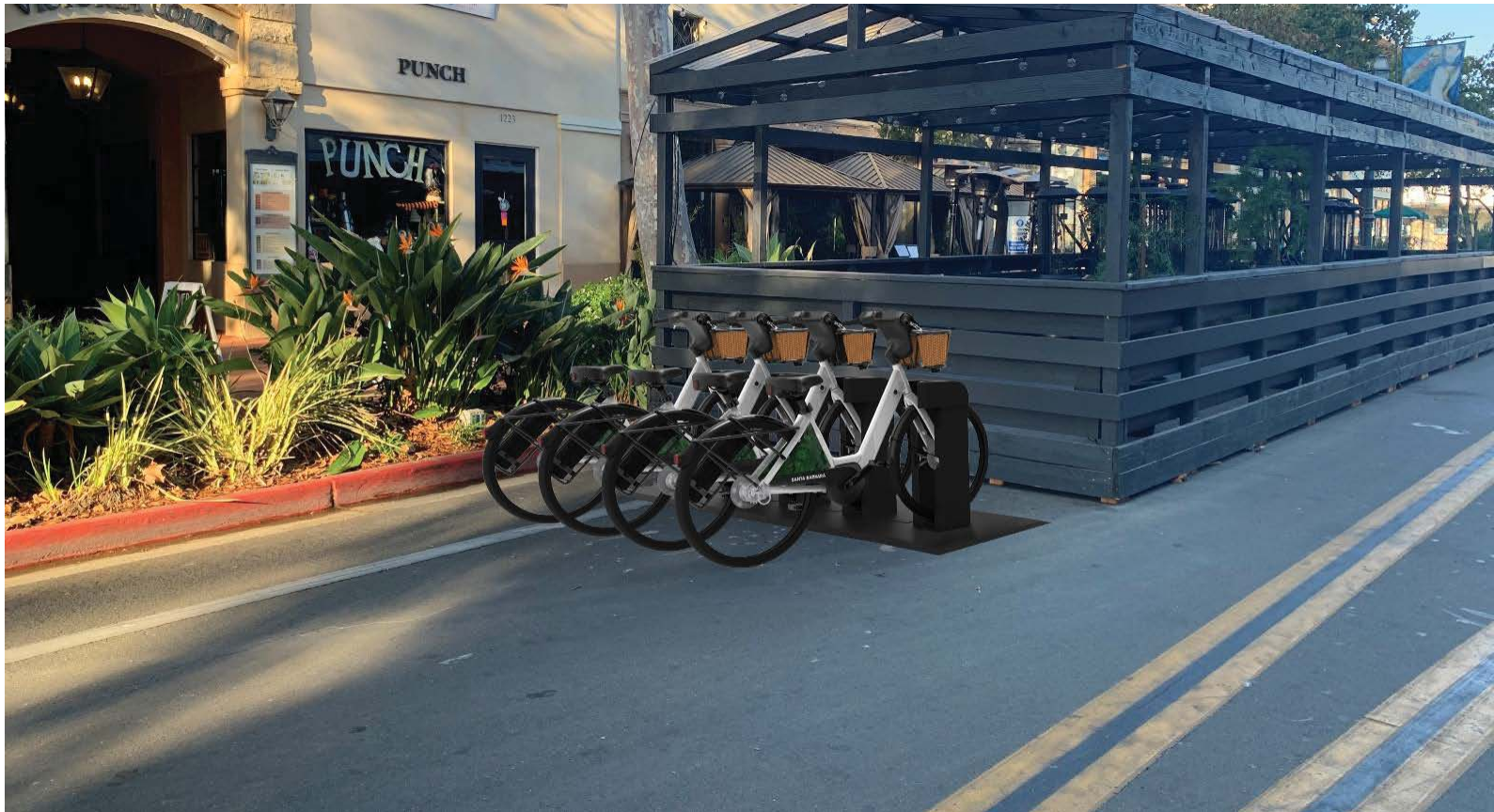
STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



TEMPORARY STATE STREET EXAMPLE STATIONS



TEMPORARY STATE STREET EXAMPLE STATIONS



VINYL WRAPPED 1.0 STATION



VINYL WRAPPED 1.0 STATION



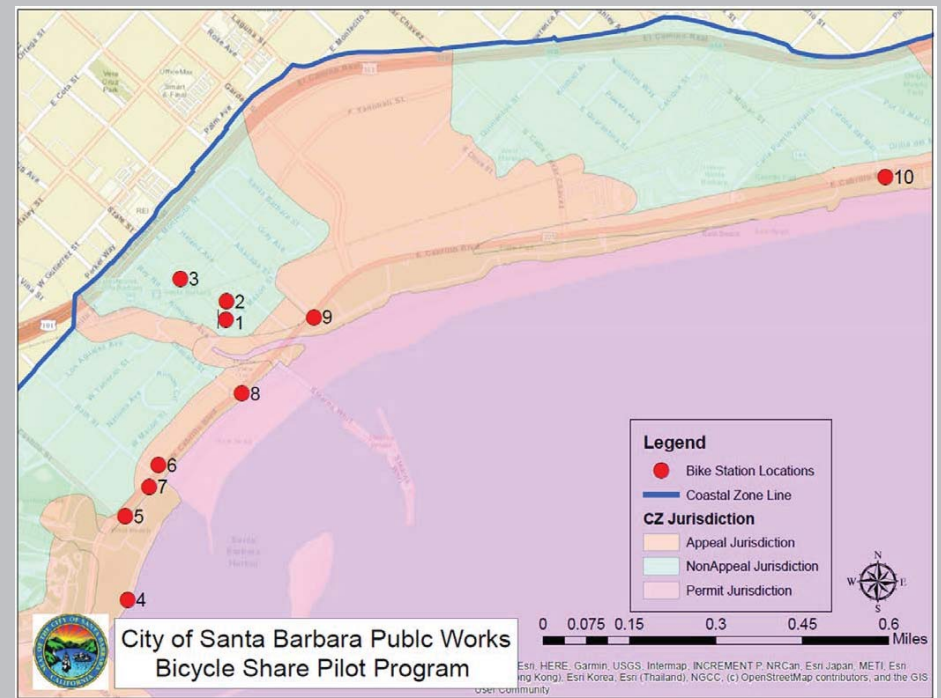
WATERFRONT: EXAMPLE 1.0 STATION



PROPOSED “TYPICAL” INSTALLATIONS IN THE COASTAL ZONE

1. Harbor View Inn (North)
2. Goat Tree
3. Amtrak Station
4. Santa Barbara Harbor
5. Cabrillo and Castillo
6. Hotel Milo/Chad's (North Cabrillo Option)
7. Cabrillo and Bath
8. Cabrillo and Chapala

9. Cabrillo/Anacapa (Skater's Point)
10. Cabrillo West Lot



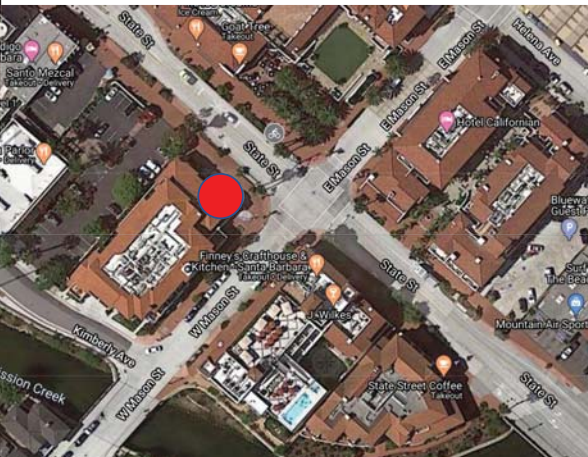
Station size: 6' x 20'

Station type: 3.0, up to 8 docks

~101 State St, Santa Barbara, CA 93101

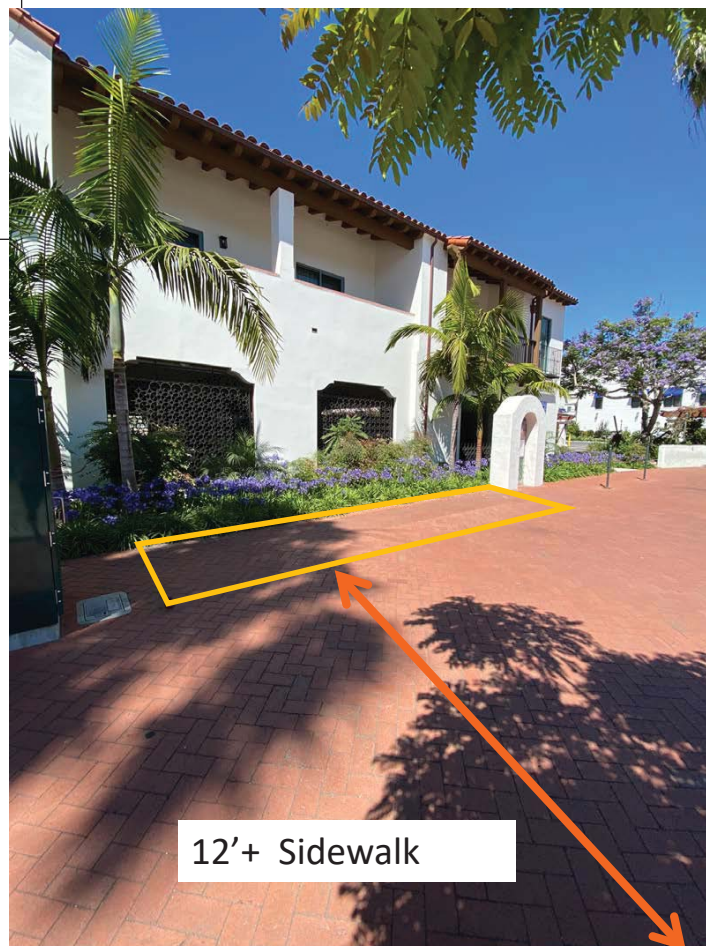
Lat: 34.413119

Long: -119.690622



Area from cabinet to arch is 27'

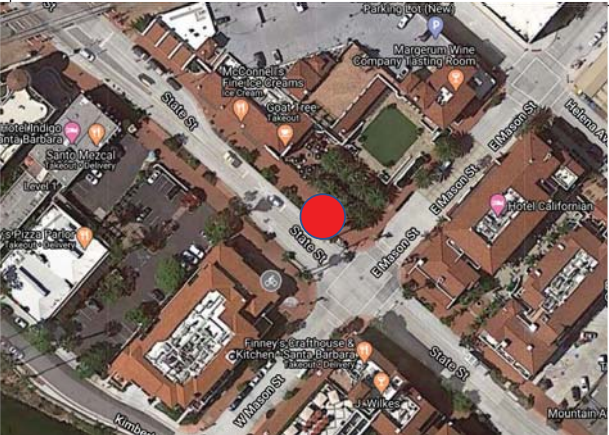
Adjacent to other bike parking (hitching posts)



2. Goat Tree

Station size: 6' x 20' (10' backup)
Station type: 3.0, up to 8 docks
~111 State St, Santa Barbara, CA 93101
Lat: 34.41358
Long: -119.690615

Notes:
Adjacent to other bike parking (hitching posts)



3. Amtrak Station

Station size: 6' x 20' (10' backup)

Station type: 3.0, up to 8 docks

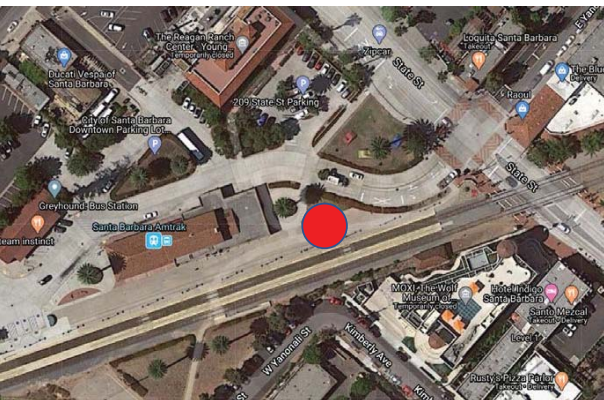
~209 State St, Santa Barbara, CA 93101

Lat: 34.414123

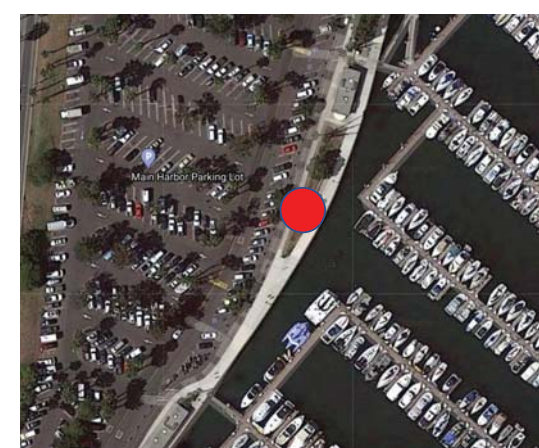
Long: -119.692022

Notes:

This installation will likely require flexible delineators, curbs, or other in-street devices for enhanced safety and visibility.



4. Santa Barbara Harbor
Station size: 6' x 20' slab, Up to 60'
Station type: 1.0 or 3.0 single-sided **with kiosk**, up to 8 docks
Santa Barbara Harbor, Santa Barbara, CA 93109
Lat: 34.40602
Long: -119.69346



5. Cabrillo and Castillo

Station size: 6' x 18' (10' backup)

Station type: 3.0 or 1.0, up to 7 docks

Cabrillo Blvd at Castillo St, Santa Barbara, CA 93101

Lat: 34.408118

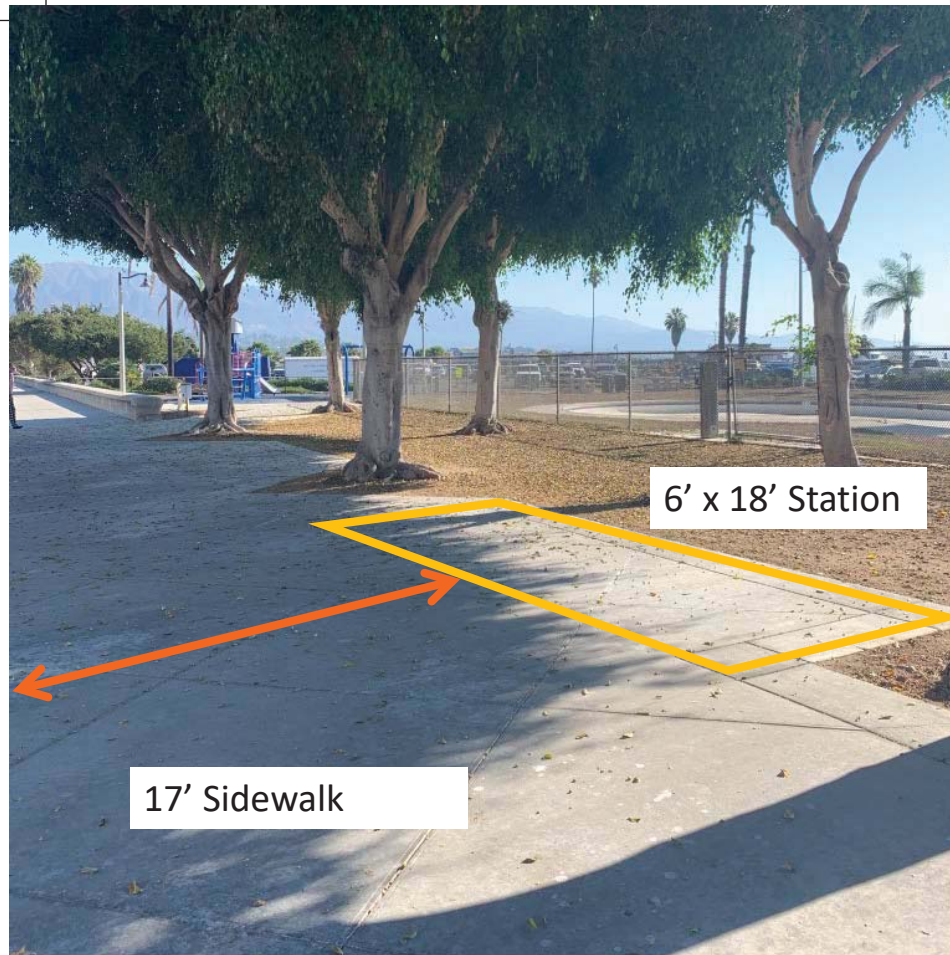
Long: -119.693577

Notes:

Adjacent to MTD Stop

Highly visible

Adjacent to connector path to Harbor and Beachway



6. Hotel Milo/Chad's (North of Cabrillo option)

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

232 W Cabrillo Blvd near Bath St, Santa Barbara, CA 93101

Lat: 34.409430

Long: -119.692599

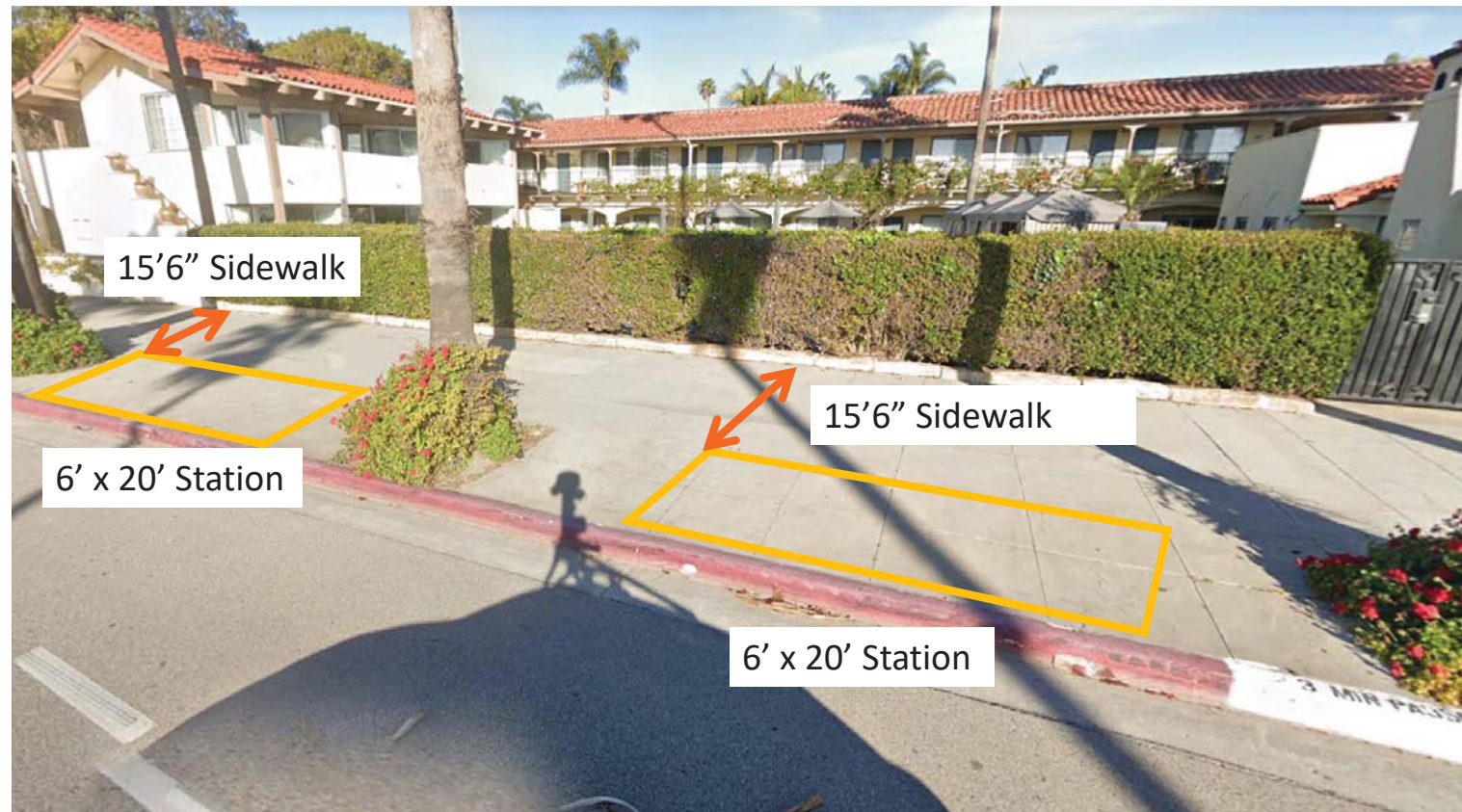
Notes:

Close to other bike parking (hitching posts by Chad's)
Doesn't need 2' door zone from curb face (red curb zone)

Two potential locations:

West: ~20' between trees

East: 23'6" between trees



7. Cabrillo and Bath

Station size: 6' x 20'

Station type: 3.0 or 1.0, up to 8 docks

Cabrillo Blvd at Bath St, Santa Barbara, CA 93101

Lat: 34.408880

Long: -119.692864

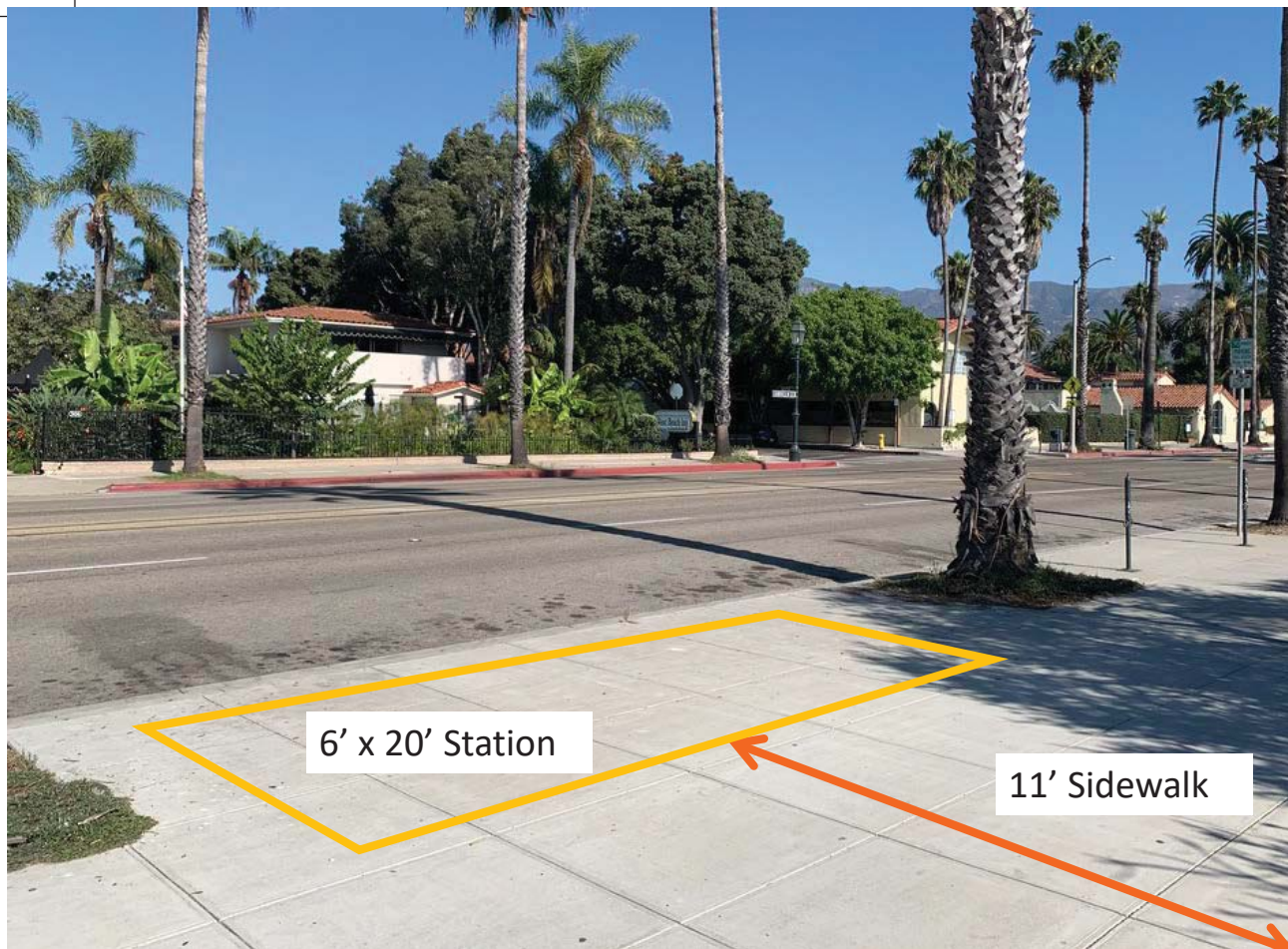
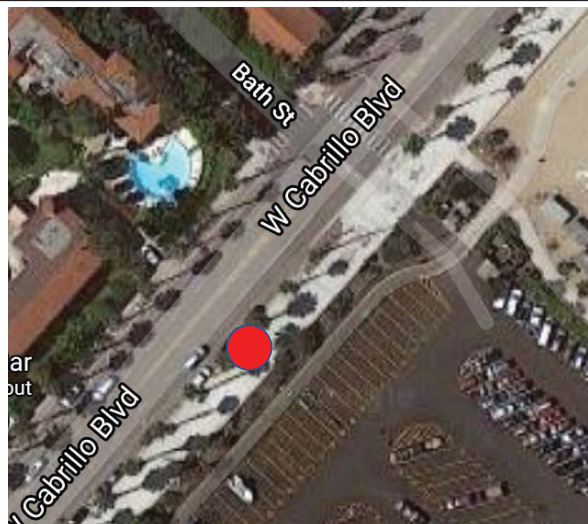
Notes:

Adjacent to other bike parking

Highly visible

Need 2' door zone from curb face

Area between trees is 24'



8. Cabrillo and Chapala

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

99 W Cabrillo Blvd at Chapala St, Santa Barbara, CA 93101

Lat: 34.411269

Long: -119.690104

Notes:

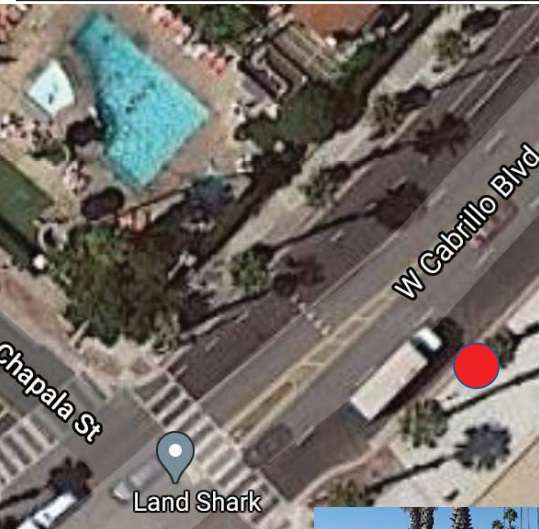
Adjacent to other bike parking

Highly visible

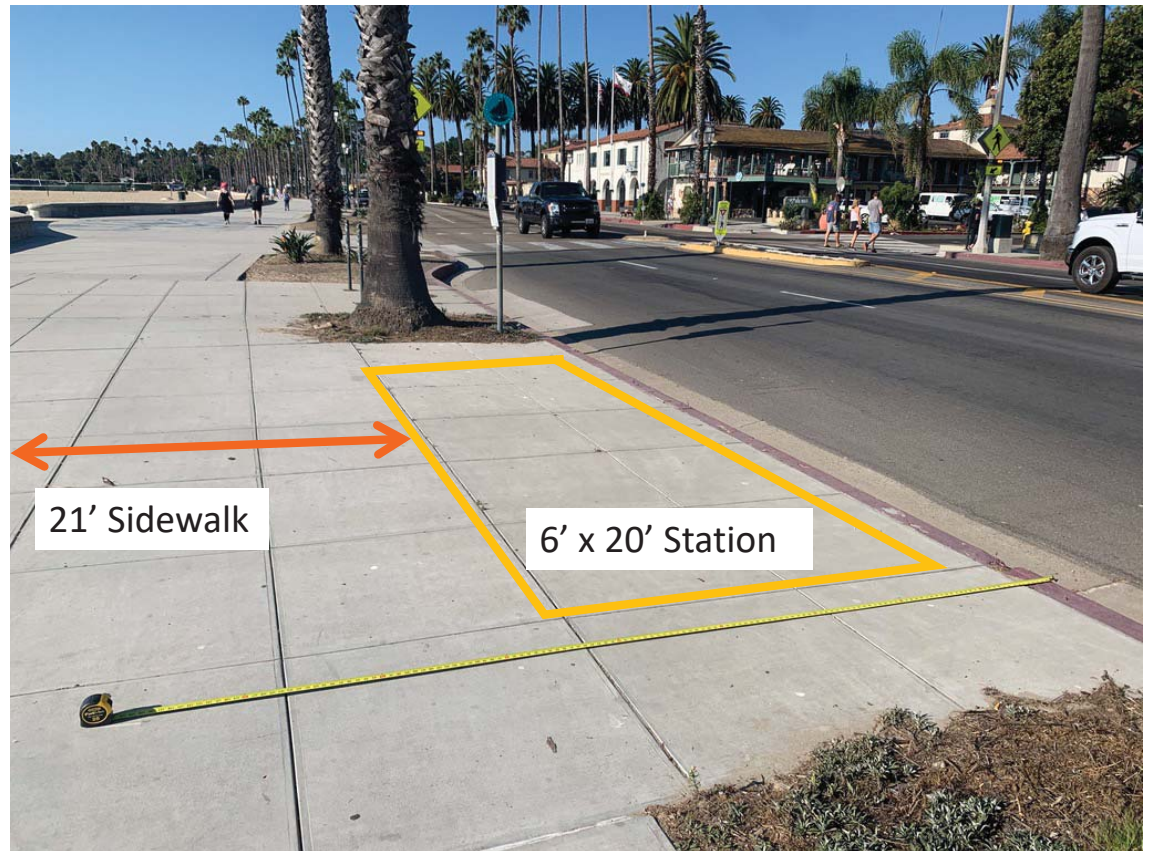
Doesn't need 2' door zone from curb face (red curb zone)

Waterfront Shuttle Stop (adjacent location (East) has 20' clear for station as well)

Area between trees is 22'10"



Alternate location



9. Cabrillo/Anacapa (Skater's Point)

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

E Cabrillo Blvd at Anacapa St, Santa Barbara, CA 93101

Lat: 34.413211

Long: -119.687951

Notes:

Close to skate park

Doesn't need 2' door zone from curb face (red curb zone)

Leaves buffer for Wheel Fun

30' available in curb extension

21' clear from intersection with sidewalk towards skate park to start of crosswalk apron (drawing not to scale)



10. Cabrillo West Lot

Station size: 6' x 20'

Station type: 3.0 or 1.0 with **Kiosk**, up to 8 docks

E Cabrillo Blvd at Corona Del Mar, Santa Barbara, CA 93101

Lat: 34.416983

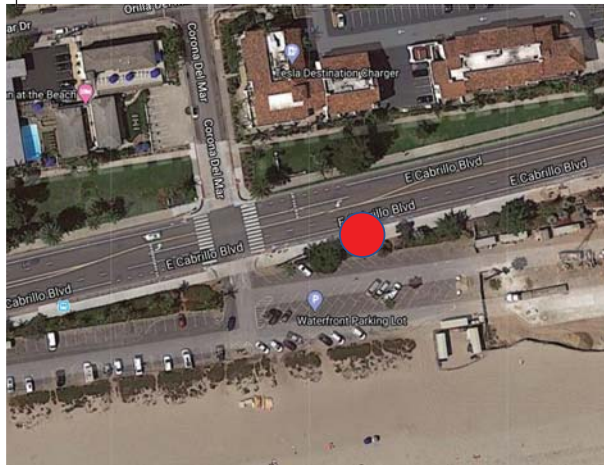
Long: -119.670666

Notes:

Adjacent to bench

No Parking area, does not require 2' door zone?

Area between bench and light pole is 50'+



**BOARD MEMBERS:**

Kevin Moore, *Chair*
Richard Six, *Vice Chair*
David Black
Bob Cunningham
Leon A. Olson
David R. Watkins
Dennis Whelan

CITY COUNCIL LIAISON:

Cathy Murillo

PLANNING COMMISSION LIAISON:

Roxana Bonderson

STAFF:

Tava Ostrenger, Assistant City Attorney
Irma Unzueta, Design Review Supervisor
Matthew Ozyilmaz, Planning Technician
Mary Ternovskaya, Commission Secretary

City of Santa Barbara

ARCHITECTURAL BOARD OF REVIEW

MINUTES

AUGUST 24, 2020

3:00 P.M.

This Meeting was Conducted Electronically

CALL TO ORDER

The Full Board meeting was called to order at 3:04 p.m. by Chair Moore.

ATTENDANCE

Members present:	Moore, Black, Cunningham (absent 3:19 p.m. – 4:35 p.m.), Olson (until 4:04 p.m.) Six, Watkins (absent 4:04 p.m. – 4:35 p.m.), and Whelan (at 3:18 p.m.)
Members absent:	None
Staff present:	Ellen Kokinda, Administrative Analyst; Unzueta; Timmy Bolton, Associate Planner; Ozyilmaz; and Ternovskaya

GENERAL BUSINESS

A. Public Comment:

No public comment.

B. Approval of Minutes:

Motion:	Approve the minutes of the Architectural Board of Review meeting of August 10, 2020 , as submitted.
Action:	Six/Cunningham, 6/0/0. (Whelan absent.) Motion carried.

C. Approval of the Consent Calendar:

Motion: Ratify the Consent Calendar of **August 17, 2020**, as reviewed by Board Member Cunningham.

Action: Cunningham/Olson, 6/0/0. (Whelan absent.) Motion carried.

Motion: Ratify the Consent Calendar of **August 24, 2020**, as reviewed by Board Members Watkins and Cunningham.

Action: Cunningham/Six, 6/0/0. (Whelan absent.) Motion carried.

D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals:**1. Mr. Ozyilmaz announced the following:**

- a. Applicant presentations have a 15 minute time limit, and it is in the Chair's discretion to extend the time limit.
- b. Board member Olson will be recusing himself from hearing Item 2 and Item 3.
- c. Board member Cunningham will be recusing himself from hearing Item 1 and Item 2.
- d. Board member Watkins will be recusing himself from hearing Item 2.

E. Subcommittee Reports:

No subcommittee reports.

(3:15PM) PROJECT DESIGN APPROVAL AND FINAL APPROVAL**1. DOWNTOWN CITY RIGHT-OF-WAY**

Assessor's Parcel Number: Multiple Locations in City Right-of-Way
Zone: Multiple Zones
Application Number: PLN2020-00386
Owner: Rob Dayton, City of Santa Barbara
Applicant: Samuel Furtner
Business Name: Morgan Ramaker

(Proposal for bike share infrastructure throughout the downtown area. This project is the first phase of bike share implementation in Santa Barbara. When complete, the project will involve the installation of 500 bike share "docks", which will serve 250 electric-assist bikes in a public bike share system. Of the 500 docks, around 300-350 will be located downtown or along State Street. The remaining 150-200 docks will be located along the Waterfront. A number of enrollment kiosks will help to serve walk-up customers. These docks and bike share "stations" (groupings of docks) will be located in the furniture zone, adjacent to other street fixtures like light poles, newspaper stands, planters and street trees, and existing hitching post bike parking. Along State St, and in the Downtown area, these stations will generally consist of small groups of 2-6 docks. Along the Waterfront, and in higher usage areas, this dock number may increase to accommodate more users.)

Project Design and Final Approval is requested. Project requires compliance with the Project compatibility Analysis and the following guidelines: Urban Design Guidelines.

RECUSAL: To avoid any actual or perceived conflict of interest, Board Member Cunningham recused himself from hearing this item due to prior contractual obligations.

Actual time: 3:19 p.m.

Present: Rob Dayton, Transportation Manager, City of Santa Barbara; and Morgan Ramaker, B Cycle

Public comment opened at 3:35 p.m.

The following individual(s) spoke:

1. Kellam deForest

Written correspondence from Kellam deForest, Mitch Hawkins, and Molly Bienkiwicz was acknowledged.

Public comment closed at 3:40 p.m.

Motion: Project Design Approval and Final Approval with comments:

1. The Board finds that the Compatibility Analysis Criteria generally have been met (per SBMC 22.68.045.B.) as follows:
 - a. The project fully complies with all applicable City Charter and Municipal Code requirements. The project's design is consistent with design guidelines applicable to its location within the City.
 - b. The design of the project is compatible with desirable architectural qualities and characteristics that are distinctive of Santa Barbara and of the particular neighborhood surrounding the project. The colors and profiles are clean and well built in appearance and fit in with the Downtown area.
 - c. The scale of the bike racks is appropriate and minimal in size.
 - d. There are no adjacent Landmarks or other nearby designated historic resources or natural features.
 - e. There are no established scenic public vistas.
 - f. There is no landscaping or open space involved in the project.

Action: Watkins/Moore, 6/0/0. (Cunningham absent.) Motion carried.

The ten-day appeal period was announced.

(4:00PM) PROJECT DESIGN APPROVAL AND FINAL APPROVAL

2. 2700 DE LA VINA ST

Assessor's Parcel Number: 051-220-011
Zone: C-G/USS
Application Number: PLN2020-00254
Owner: Stephen Glenn
Applicant: Paul Poirier, Architect

(Proposal for a commercial remodel. Project entails exterior facade and site improvements including: remove existing window display case, install new aluminum storefronts, install new French doors,

replace fabric at 3 existing awning frames, and relocate 3 new canvas awnings to Alamar Avenue facade, remove concrete sidewalk and install 602 square feet of permeable pavers at reconfigured outdoor dining area, new metal guardrail, remove and replace existing canopy with new metal canopy, new landscaping and irrigation, new metal canopy awning and facade changes. No change in the number of parking spaces is proposed.)

Project Design and Final Approval is requested. Project requires compliance with the Project Compatibility Analysis and the following guidelines: Urban Design Guidelines. Project was last reviewed on August 10, 2020.

RECUSAL: To avoid any actual or perceived conflict of interest, Board Member Olson and Cunningham recused themselves from hearing this item due to prior contractual obligations.

To avoid any actual or perceived conflict of interest, Board Member Watkins recused himself from hearing this item due to a lack of familiarity with the project.

Actual time: 4:03 p.m.

Present: Paul Poirier, Applicant; and Robert Adams, Landscape Designer

Public comment opened at 4:12 p.m., and as no one wished to speak, it closed.

Motion: Project Design Approval and Final Approval and continue indefinitely to Consent with comments:

1. Add traditional fascia detailing on the new aluminum canopy.
2. The Board finds that the Compatibility Analysis Criteria generally have been met (per SBMC 22.68.045.B.) as follows:
 - a. As far as the Board has been informed, the project fully complies with all applicable City Charter and Municipal Code requirements. The project's design is consistent with design guidelines applicable to its location within the City.
 - b. The design of the project is compatible with desirable architectural qualities and characteristics that are distinctive of Santa Barbara and of the particular neighborhood surrounding the project. The project has Spanish character and a distinct design.
 - c. The mass, bulk, size, and scale are appropriate.
 - d. There are no adjacent Landmarks or other nearby designated historic resources or natural features.
 - e. There are no established scenic public vistas.
 - f. The project includes appropriate open space and landscaping.

Action: Six/Black, 4/0/0. (Cunningham, Olson, and Watkins absent.) Motion carried.

The ten-day appeal period was announced.

*** THE BOARD RECESSED FROM 4:27 TO 4:33 P.M. ***

(4:45PM) NEW ITEM: CONCEPT REVIEW**3. 1812 SAN PASCUAL ST**

Assessor's Parcel Number: 043-163-011
Zone: R-M
Application Number: PLN2020-00381
Owner: Ed St. George
Applicant: Noah Greer
Architect: Keith Nolan

(Proposal for four residential townhomes on a site developed with a duplex using the city's Average Unit-Size Density (AUD) Program. Project entails retaining the existing one-story duplex, and constructing a new two-story structure containing four two-bedroom townhomes. Unit sizes range from 931 to 1,120 square feet with an average unit size of 981 square feet. The proposed density on this 11,580 square foot lot is 23 dwelling unit per acre, on a site with a general plan land use designation of medium-high density residential which allows 15-27 dwelling units per acre. Four new parking spaces are proposed as part of this project.)

No final appealable decision will be made at this hearing. Project requires compliance with the Project Compatibility Analysis and the following guidelines: Urban Design Guidelines, Infill Design Guidelines, Outdoor Lighting Design Guidelines.

RECUSAL: To avoid any actual or perceived conflict of interest, Board Member Olson recused himself from hearing this item due to a bias towards the project.

Actual time: 4:33 p.m.

Present: Noah Greer, Applicant

Public comment opened at 4:51 p.m.

The following individual(s) spoke:

1. Zoeann Lyle

Written correspondence from Bob Conway and Vince Semonsen was acknowledged.

Public comment closed at 4:54 p.m.

Motion: Continue indefinitely with comments:

1. The Board appreciates the overall direction of the design, and feels that the general massing and break-up of the proposed structure is going in the right direction.
2. The Board appreciates the proposed recessed windows and doors. The various detailing and quality of materials proposed is acceptable.
3. It is highly suggested that a landscape plan is provided that includes the entire property, including the area in front of the duplex.
4. The applicant shall look for ways to create a further separation between the proposed building and duplex. Enhance the entry for units C and F.
5. Find ways to expand the private open yards at the rear of the building.

6. Explore ways of providing additional privacy for the private open yards at unit D and E.
7. Applicant shall add a street tree if curb cut is removed.
8. Study the easement language and confirm that the proposal is achievable.
9. Applicant shall study the suggestions made about the roof design as well as the second floor trellis location.
10. The Board expects the applicant to pursue detailing around the doors and windows that will match the proposed renderings.

Action: Moore/Cunningham, 6/0/0. (Olson absent.) Motion carried.

*** MEETING ADJOURNED AT 5:51 P.M. ***



City of Santa Barbara

HISTORIC LANDMARKS COMMISSION

MINUTES

AUGUST 5, 2020

1:30 P.M.

This Meeting was Conducted Electronically
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Anthony Grumbine, *Chair*
Steve Hausz, *Vice Chair*
Michael Drury
Wendy Edmunds
Ed Lenvik
Bill Mahan
Robert Ooley
Julio J. Veyna

ADVISORY MEMBER: Dr. Michael Glassow

CITY COUNCIL LIAISON: Kristen Sneddon

PLANNING COMMISSION LIAISON: Sheila Lodge

STAFF:

Tava Ostrenger, Assistant City Attorney
Irma Unzueta, Design Review Supervisor
Nicole Hernandez, Architectural Historian
Pilar Plummer, Assistant Planner
Heidi Reidel, Commission Secretary

(2:50PM) NEW ITEM: CONCEPT REVIEW

7. DOWNTOWN AND WATERFRONT CITY RIGHT-OF-WAY

Assessor's Parcel Number: Multiple Locations in City Right-of-Way
Adjacent Zones: C-G, M-C, HRC-2, S-D-3, P-R, H-C
Application Number: PLN2020-00378
Owner: City of Santa Barbara
Applicant: Samuel Furtner, Public Works
Business Name: Morgan Ramaker, BCycle

(In partnership with the City permitted bike share operator, BCycle, the Public Works Department is proposing the first phase of the Pilot Bike Share Program. When complete, the project will involve the installation of 500 bike share docks, which will serve 250 electric-assist bikes in a public bike share system. Of the 500 docks, 300-350 will be located downtown or along State Street. The remaining 150-200 docks will be located along the Waterfront. A number of enrollment kiosks will be installed to help serve walk-up customers. These docks and bike share "stations" (grouping of docks) will be located in the furniture zone, adjacent to other street fixtures including: light poles, newspaper stands, planters and street trees, and existing bike hitching posts. Along State Street and in the Downtown area, these stations will consist of small groups of 2-6 docks. Along the Waterfront, and in higher usage area, this dock number may increase to accommodate additional users.)

Concept Review of the color for the bike share docks and kiosks. No final appealable decision will be made at this hearing.

Actual time: 2:43 p.m.

Present: Samuel Furtner, Associate Transportation Planner, City of Santa Barbara; Rob Dayton, Transportation Planning & Parking Manager, City of Santa Barbara; and Morgan Ramaker, Executive Director, BCycle

Staff comments: Ms. Plummer gave background information on the project.

Public comment opened at 2:57 p.m., and as no one wished to speak, it closed.

Motion: Continue indefinitely with comments:

1. The Commission is appreciative and supportive of the Bike Share Program proposal.
2. The Commission is concerned with the amount of bikes on State Street, and it should be considered whether it is appropriate to have the bike docks on the pedestrian section of State Street, rather than on the perpendicular or parallel side streets.
3. The majority of the Commission finds black to be an acceptable color for the bike docks, but suggests adding some ornamentation or a shroud to make them more fitting for El Pueblo Viejo.
4. The Commission is mostly concerned with the 3.0 docks, but the applicant should consider changes to the 1.0 kiosks to bring them more into the language of El Pueblo Viejo.

Action: Hausz/Mahan, 7/0/0. (Veyna absent.) Motion carried.

*** MEETING ADJOURNED AT 3:59 P.M. ***



City of Santa Barbara

HISTORIC LANDMARKS COMMISSION

MINUTES

SEPTEMBER 2, 2020

1:30 P.M.

This Meeting was Conducted Electronically
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Anthony Grumbine, *Chair*
Steve Hausz, *Vice Chair*
Michael Drury
Wendy Edmunds
Ed Lenvik
Bill Mahan
Robert Ooley

ADVISORY MEMBER: Dr. Michael Glassow

CITY COUNCIL LIAISON: Kristen Sneddon

PLANNING COMMISSION LIAISON: Sheila Lodge

STAFF:

Tava Ostrenger, Assistant City Attorney
Irma Unzueta, Design Review Supervisor
Nicole Hernandez, Urban Historian
Pilar Plummer, Assistant Planner
Heidi Reidel, Commission Secretary

(2:50PM) PROJECT DESIGN APPROVAL AND FINAL APPROVAL

2. DOWNTOWN AND WATERFRONT CITY RIGHT-OF-WAY

Assessor's Parcel Number: Multiple Locations in City Right-of-Way
Zone: C-G, M-C, HRC-2, S-D-3, P-R, H-C
Application Number: PLN2020-00378
Owner: City of Santa Barbara
Applicant: Samuel Furtner, Public Works
Business Name: Morgan Ramaker, BCycle

(In partnership with the City permitted bike share operator, BCycle, the Public Works Department is proposing the first phase of the Pilot Bike Share Program. When complete, the project will involve the installation of 500 bike share docks, which will serve 250 electric-assist bikes in a public bike share system. Of the 500 docks, around 300-350 will be located downtown or along State Street. The remaining 150-200 docks will be located along the Waterfront. A number of enrollment kiosks will be installed to help serve walk-up customers. These docks and bike share "stations" (grouping of docks) will be located in the furniture zone, adjacent to other street fixtures including: light poles, newspaper stands, planters and street trees, and existing bike hitching posts. Along State Street and in the Downtown area, these stations will consist of small groups of 2-6 docks. Along the Waterfront, and in higher usage area, this dock number may increase to accommodate additional users.)

Project Design Approval and Final Approval are requested. Project requires consistency with the Project Compatibility Criteria. Project was last reviewed on August 5, 2020.

Actual time: 3:48 p.m.

Present: Samuel Furtner, Associate Transportation Planner, City of Santa Barbara; Rob Dayton, Transportation Planning & Parking Manager, City of Santa Barbara; and Morgan Ramaker, Executive Director, BCycle

Staff comments: Ms. Plummer stated that the Architectural Board of Review (ABR) granted Project Design Approval and Final Approval for the areas within ABR jurisdiction. Coastal review is applied to the project, so if the HLC grants approval, it will be contingent upon the granting of a Coastal Exemption.

Public comment opened at 4:06 p.m.

The following individuals spoke:

1. Kellam de Forest
2. Anna Marie Gott
3. James Marston

Written correspondence from Pamela Boehr, Allied Neighborhoods Association, Christine Neuhauser, and Craig Boehr was acknowledged.

Public comment closed at 4:14 p.m.

Motion: Final Approval of the black color and the kiosk without the scroll.

Action: Edmunds/, Motion failed due to lack of second.

Motion: Continue indefinitely with the comment that the Commission believes the aesthetics are not appropriate to the downtown core of State Street.

Action: Hausz/Drury, 5/2/0. (Edmunds and Ooley opposed.) Motion carried.



City of Santa Barbara

HISTORIC LANDMARKS COMMISSION

MINUTES

SEPTEMBER 16, 2020

1:30 P.M.

This Meeting was Conducted Electronically
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Anthony Grumbine, *Chair*
Steve Hausz, *Vice Chair*
Michael Drury
Wendy Edmunds
Ed Lenvik
Bill Mahan
Robert Ooley

ADVISORY MEMBER: Dr. Michael Glassow

CITY COUNCIL LIAISON: Kristen Sneddon

PLANNING COMMISSION LIAISON: Sheila Lodge

STAFF:

Tava Ostrenger, Assistant City Attorney
Irma Unzueta, Design Review Supervisor
Nicole Hernandez, Urban Historian
Pilar Plummer, Assistant Planner
Heidi Reidel, Commission Secretary

(3:40PM) PROJECT DESIGN APPROVAL AND FINAL APPROVAL

7. DOWNTOWN AND WATERFRONT CITY RIGHT-OF-WAY

Assessor's Parcel Number: Multiple Locations in City Right-of-Way
Zone: C-G, M-C, HRC-2, S-D-3, P-R, H-C
Application Number: PLN2020-00378
Owner: City of Santa Barbara
Applicant: Samuel Furtner, Public Works
Business Name: Morgan Ramaker, BCycle

(In partnership with the City permitted bike share operator, BCycle, the Public Works Department is proposing the first phase of the Pilot Bike Share Program. When complete, the project will involve the installation of 500 bike share docks, which will serve 250 electric-assist bikes in a public bike share system. Of the 500 docks, around 300-350 will be located downtown or along State Street. The remaining 150-200 docks will be located along the Waterfront. A number of enrollment kiosks will be installed to help serve walk-up customers. These docks and bike share "stations" (grouping of docks) will be located in the furniture zone, adjacent to other street fixtures including: light poles, newspaper stands, planters and street trees, and existing bike hitching posts. Along State Street and in the Downtown area, these stations will consist of small groups of 2-6 docks. Along the Waterfront, and in higher usage area, this dock number may increase to accommodate additional users.)

Project Design Approval and Final Approval are requested. Project requires consistency with the Project Compatibility Criteria. Project was last reviewed on September 2, 2020.

Actual time: 5:19 p.m.

Present: Rob Dayton, Transportation Planning & Parking Manager, City of Santa Barbara; and
Morgan Ramaker, Executive Director, BCycle

Public comment opened at 5:27 p.m.

The following individuals spoke:

1. Richard Closson
2. Kent Epperson
3. Anna Gott
4. Barry Remis
5. Hillary Blackerby
6. Edward France

Written correspondence from Alex Triege, Allied Neighborhoods Association, Andrea Moreno, Antoine Descos, Barbara Wishingrad, Ben Ellenberger, Blake Stok, Bob Zaratzian, Brogan Donahoe, Charity Dubberley, Christopher Montigny, Cynthia Stahl, Dawn Mitcham, Doug Fischer, Gesa Kirsch, Giuseppe Castenetto, Jeanne Dixon, Julie Churchman, Kim Stanley, Lisa Ballantine, Lisa Blake, Millie Sunbear, Mimi Balthazor, Nancy and Pat Donahoe, Nancy Mullholland, Paulina Conn, and Teresa Allen was acknowledged.

Public comment closed at 5:40 p.m.

Motion: Deny the proposal as the Commission is unable to make the Project Compatibility Analysis Criteria and consistency with Guidelines with findings:

1. The Commission finds that the Compatibility Analysis Criteria generally have not been met (per SBMC 22.22.145.B.) as follows:
 - a. The project does not fully comply with all applicable City Charter and Municipal Code requirements. The project's design and color, are inconsistent with design guidelines applicable to its location in El Pueblo Viejo Landmark District within the City.
 - b. The design of the project is contemporary in a Spanish Colonial Revival style district and not compatible with desirable architectural qualities and characteristics that are distinctive of Santa Barbara and of the particular neighborhood surrounding the project.
 - c. The size, mass, bulk, height, and scale of the project are irrelevant.
 - d. The Commission cannot determine if the design of the project is appropriately sensitive to adjacent Landmarks or other nearby designated historic resources, because the applicant did not provide a location map.
 - e. The design of the project does not impact established scenic public vistas.
 - f. The Commission does not have enough information to determine if the project includes an appropriate amount of open space and landscaping.

Action: Ooley/Mahan, 6/0/0. (Drury absent.) Motion carried.

The ten-day appeal period was announced.

CITY OF SANTA BARBARA CITY COUNCIL

MINUTE ORDER

DATE

October 20, 2020

ROLL CALL

Mayor Cathy Murillo, Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, and Kristen Sneddon.

ITEM

No. 13

Subject: Bicycle Share Pilot Program Docking Systems Along State Street

RECOMMENDATION

Recommendation: That Council:

A. Approve a limited duration application for the installation of Bike Share docking systems in the City in accordance with the Bicycle Share Pilot Program; and

B. Find, pursuant to Santa Barbara Charter § 817 (c) and SBMC § 22.22.140 B, that the public interest does not require review by the Historic Landmarks Commission of bicycle docking systems.

ACTION

Motion: Councilmembers Sneddon/Friedman to approve recommendation A and to approve the finding that pursuant to Santa Barbara Charter § 817 (c) and SBMC § 22.22.140 B, that the public interest does not require review by the Historic Landmarks Commission of bicycle docking systems, during the three year Bicycle Share Pilot Program.

Vote: Unanimous roll call vote.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I, Robert Stough, Deputy City Clerk in and for the City of Santa Barbara, California, DO HEREBY CERTIFY that attached is a full, true and correct copy of a City of Santa Barbara City Council Minute Order pertaining to the Council's action to approve a limited duration application for the installation of bike share docking systems in the City in accordance with the Bicycle Share Pilot Program; and find, pursuant to Santa Barbara Charter § 817 (c) and SBMC § 22.22.140 B, that the public interest does not require review by the Historic Landmarks Commission of bicycle docking systems, during the three year Bicycle Share Pilot Program. (Item No. 13 of its October 20, 2020, meeting agenda).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of said City to be affixed this 27th day October, 2020.

(SEAL)



Robert Stough
Deputy City Clerk

Applicable Local Coastal Program and Coastal Act Policies

Bicycle Share in the Coastal Zone

(PLN2020-00547/CDP2020-00017)

CITY COASTAL LAND USE PLAN

Policy 1.2-2 Resolution of Policy Conflicts. Where policies within the Coastal LUP overlap, the policy which is most protective of resources, i.e., land, water, air, etc., shall take precedence.

Policy 1.2-6 Relationship with General Plan. Where there are conflicts between the policies set forth in the Coastal LUP and those set forth in any other element in the City's General Plan or regulations, the policies of the Coastal LUP shall take precedence.

Policy 2.2-18 Harbor Area Policies. Development in the Harbor shall be found consistent with at least one of the following:

- A. Provide essential supplies and services to the boating public to include recreational boaters, commercial fishing, commercial shipping, enforcement, and rescue vessels;
- B. Provide operation and maintenance of the Harbor;
- C. Provide recreational and visitor-serving opportunities for the enjoyment of the general public; and
- D. Provide an opportunity for marine-oriented nonprofit individuals, groups, and associations to benefit from use of the Harbor.

In any event, the following leases and uses shall be precluded: those which provide supplies or services tending towards a carnival atmosphere, non-marine sports, non-marine oriented business offices, or public services that can equally be served outside of the Tidelands Area.

Policy 3.1-7 Encourage Sustainable Transportation. Encourage use of sustainable transportation, (i.e., pedestrian, bicycle, and transit) to the shoreline, along the coast, and throughout the Coastal Zone.

Policy 3.1-27 Maintain, Improve, and Maximize Sustainable Coastal Access. New development and substantial redevelopment shall maintain and, where appropriate and feasible, improve and maximize safe walking, bicycling, and transit use to and within the Coastal Zone, consistent with the protection of coastal resources, through such methods as:

- A. Using dedication, acquisition of property or easements, and other applicable methods to connect bicyclists and pedestrians to public parking areas and points of interest;
- B. Improving and providing additional bicycling and walking routes and facilities such as public bicycle racks and lockers for bicyclists and seating and resting areas for pedestrians; C. Improving sustainable transportation connections from existing public parking lots to the Coastal Zone;

- D. Working with Metropolitan Transit District (MTD), or other appropriate transit agencies, to maximize use of transit by improving bus and shuttle service, routes, turnouts, and shelters;
- E. Working with commuter rail operators to improve rail service;
- F. Improving the Beachway path to increase safety for all users;
- G. Improving street lighting to provide safe pedestrian access along pedestrian corridors, especially between State Street, Stearns Wharf, the Harbor, and visitor-serving accommodations;
- H. Converting excess vehicle capacity at the State Street underpass of Highway 101 to a more pedestrian- and bicyclist-friendly space; and
- I. Improving and maximizing safe walking, cycling, and transit use to and within the Coastal Zone at Santa Barbara City College.

Policy 4.3-5 Protection of Scenic Resources and Public Scenic Views. Development shall be sited and designed to avoid impacts to scenic resources and public scenic views. If there is no feasible alternative that can avoid impacts to scenic resources or public scenic views, then the alternative that would result in the least adverse impact to scenic resources and public scenic views that would not result in additional adverse impacts to other coastal resources shall be required. Methods to mitigate impacts could include, but not be limited to: siting development in the least visible portion of the site, managing building orientation, breaking up the mass of new structures, designing structures to blend into the natural setting, restricting the building maximum size, reducing maximum height standards, clustering building sites and development, requiring a view corridor, eliminating accessory structures not requisite to the primary use, minimizing grading, minimizing removal of native vegetation, incorporating landscape elements or screening, incorporating additional or increased setbacks, stepping the height of buildings so that the heights of building elements are lower closer to public viewing areas and increase with distance from the public viewing area. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to visual resources, public scenic views, or public viewing areas.

Policy 4.3-6 Obstruction of Scenic View Corridors. Development shall not obstruct public scenic view corridors of scenic resources, including those of the ocean viewed from the shoreline and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City.

Policy 4.3-29 Visual Evaluation Requirement. Site-specific visual evaluations shall include an analysis of all feasible siting or design alternatives that would minimize significant impacts to public scenic views of scenic resources. The alternatives analysis shall identify through such means as visual simulations, three-dimensional massing models, perspective drawings, rendered streetscape elevations, and/or story poles and flagging. If there is no feasible alternative to avoid impacts to public scenic views of scenic resources, then the alternative that would result in the least adverse impacts to public scenic views of scenic resources that would not result in additional adverse impacts to other coastal resources shall be required.

CALIFORNIA COASTAL ACT

CHAPTER 3. Coastal Resources Planning and Management Policies

ARTICLE 6. Development

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 Minimization of adverse impacts

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.



City of Santa Barbara

PLANNING COMMISSION

MINUTES

NOVEMBER 19, 2020

1:00 P.M.

This Meeting was Conducted Electronically
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Deborah L. Schwartz, Chair
 Lesley Wiscomb, Vice Chair
 Roxana Bonderson
 Gabriel Escobedo
 Jay D. Higgins
 Sheila Lodge
 Barrett Reed

STAFF:

Tava Ostrenger, Assistant City Attorney
 Allison DeBusk, Senior Planner
 Heidi Reidel, Planning Technician I

I. NEW ITEMS

A. ACTUAL TIME: 1:10 P.M.

APPLICATION OF ROBERT J. DAYTON, TRANSPORTATION PLANNING & PARKING MANAGER FOR CITY OF SANTA BARBARA, OWNER OF [COASTAL ZONE CITY RIGHT-OF-WAY](#), APN: N/A (CITY RIGHT-OF-WAY), ZONE: VARIOUS; (PLN2020-00547)

In partnership with the City's permitted bicycle share operator, BCycle, the Public Works Department's Transportation Planning Division is seeking a Coastal Development Permit to construct bicycle (bike) share stations (groupings of bike share docks and/or kiosks) in the Appealable and Non-appealable jurisdictions of the Coastal Zone as part of City Council's Bicycle Share Pilot Program (Program). A number of proposed bike share station sites in the Waterfront and Downtown neighborhoods are located within the Coastal Zone. These station locations are critical to the success of the pilot Program. While locations of specific bicycle share stations are identified in the proposal, the Public Works Department is requesting a programmatic Coastal Development Permit, which provides the needed flexibility for station locations to change over time based on bike share demand. The project was reviewed by the Architectural Board of Review under PLN2020-00386 and Historic Landmarks Commission under PLN2020-00378.

Pilar Plummer, Assistant Planner, gave the Staff presentation.

Rob Dayton, Transportation Planning and Parking Manager, gave the Applicant presentation, and was joined by Jessica Grant, Supervising Transportation Planner; Samuel Furtner, Associate Transportation Planner; and Jesse Rosenberg, General Manager of Santa Barbara BCycle.

Public comment opened at 1:37 p.m., and the following individuals spoke:

1. Kellam de Forest

2. Anna Marie Gott
3. Melissa Cunningham

Written correspondence from Allied Neighborhoods Association, Nancy Mullholland, and Paulina Conn was acknowledged.

Public comment closed at 1:45 p.m.

*** THE COMMISSION RECESSED FROM 3:35 TO 3:40 P.M. ***

MOTION: Wiscomb / Escobedo

Assigned Resolution No. 010-20

Approve a programmatic Coastal Development Permit to allow bicycle share stations to be located with the public right-of-way in the Coastal Zone, making the findings outlined in Section IX of the staff report dated November 12, 2020, subject to the Conditions of Approval as outlined in the Staff Report, with the following revisions to the Conditions of Approval:

1. Add the following language to Item A:
 - a. ...located within City right-of-way or on City-owned property, for an approximate three-year bike share Pilot Program as determined by the City Council.
 - b. Following the three-year Pilot Program, the applicant shall return to the Planning Commission for a new coastal development permit.
 - c. Relocate Location 5 (Cabrillo/Castillo) due to potential conflicts with trees and associated birds.
 - d. Where possible, locate the docking stations on the mountain side of Cabrillo Boulevard.
 - e. Kiosks shall be the "Enrollment Kiosk" with a maximum height of approximately nine feet.
 - f. Do not install any kiosks on the ocean side of Cabrillo Boulevard.
 - g. A maximum of three kiosks may be allowed in the coastal zone, strategically spaced along Cabrillo Boulevard with one at each location within East Beach area, central Cabrillo Boulevard near State Street, and West Beach area.
 - h. Kiosks shall be installed as discretely as possible.
2. Add the following language to Item D.1.b: ...or in other locations depending upon demand and in accordance with the Planning Commission's conditions of approval.

The motion carried by the following vote:

Ayes: 4 Noes: 2 (Lodge and Bonderson) Abstain: 0 Absent: 1 (Reed)

The ten calendar day appeal period was announced.



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 010-20 COASTAL ZONE CITY RIGHT-OF-WAY COASTAL DEVELOPMENT PERMIT NOVEMBER 19, 2019

APPLICATION OF ROBERT J. DAYTON, TRANSPORTATION PLANNING & PARKING MANAGER FOR CITY OF SANTA BARBARA, OWNER OF COASTAL ZONE CITY RIGHT-OF- WAY, APN: N/A (CITY RIGHT-OF-WAY), ZONE: VARIOUS; (PLN2020-00547)

In partnership with the City's permitted bicycle share operator, BCycle, the Public Works Department's Transportation Planning Division is seeking a Coastal Development Permit to construct bicycle (bike) share stations (groupings of bike share docks and/or kiosks) in the Appealable and Non-appealable jurisdictions of the Coastal Zone as part of City Council's Bicycle Share Pilot Program (Program). A number of proposed bike share station sites in the Waterfront and Downtown neighborhoods are located within the Coastal Zone. These station locations are critical to the success of the pilot Program. While locations of specific bicycle share stations are identified in the proposal, the Public Works Department is requesting a programmatic Coastal Development Permit, which provides the needed flexibility for station locations to change over time based on bike share demand. The project was reviewed by the Architectural Board of Review under PLN2020-00386 and Historic Landmarks Commission under PLN2020-00378.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, three people appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 12, 2020
2. Project Plans
3. Correspondence received:
 - a. Allied Neighborhoods Association, Santa Barbara CA
 - b. Nancy Mullholland, Santa Barbara CA
 - c. Paulina Conn, Santa Barbara CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application, making the following findings and determinations:
 - A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)
 1. The project is consistent with the policies of the California Coastal Act because it provides sustainable active transportation options which can enhance connectivity to the regional bicycling network and increase access to the shoreline and coast, as described in Sections VII and VIII of the Staff Report.
 2. The project is consistent with all applicable policies of the City's Coastal Land Use Plan, all applicable implementing guidelines, and all applicable provisions of the Code because

it encourages sustainable transportation and enhances bicycling and sustainable coastal access throughout the coastal zone, as described in Section VII of the Staff Report.

II. Said approval is subject to the following conditions:

- A. **Approved Development.** The development of the Real Property approved by the Planning Commission on November 19, 2020 is limited to bike share stations within the Coastal Zone located within City right-of-way or on City-owned property, for an approximate three-year bike share Pilot Program as determined by the City Council. Station locations shall not be located in an Environmentally Sensitive Habitat Area and shall not involve any tree removal. Existing trees shall be preserved and protected prior to and during any bike station installation. Following the three-year Pilot Program, the applicant shall return to the Planning Commission for a new coastal development permit.

In addition, the following shall be a part of the project approval:

1. Relocate Location 5 (Cabrillo/Castillo) due to potential conflicts with trees and associated birds.
 2. Where possible, locate the docking stations on the mountain side of Cabrillo Boulevard.
 3. Kiosks shall be the “Enrollment Kiosk” with a maximum height of approximately nine feet.
 4. Do not install any kiosks on the ocean side of Cabrillo Boulevard.
 5. A maximum of three kiosks may be allowed in the coastal zone, strategically spaced along Cabrillo Boulevard with one at each location within East Beach area, central Cabrillo Boulevard near State Street, and West Beach area.
 6. Kiosks shall be installed as discretely as possible.
- B. **Requirements Prior to Construction.** BCycle shall submit the following, or evidence of completion of the following, for review and approval by the Public Works Department prior to installation of any bike share station.
1. Location map, rack type and final dimensions of bike share parking area. The existing sidewalks through zone shall also be dimensioned. Typical installation details for the proposed location.
 2. All installations must be as approved by the Public Works Department.
- C. **Prior to Final Inspection by Public Works Inspector.** Prior to final inspection by Public Works Inspector, BCycle shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60.
- D. **General Conditions.**
1. Approval Limitations.

- a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
- b. All bike share station locations shall be located substantially as shown on the plans approved by the Planning Commission, or in other locations depending upon demand and in accordance with the Planning Commission's conditions of approval. Public Works Department shall work with the Community Development Department, Planning Division on other future locations within the coastal zone with similar documentation provided for the known locations to ensure locations remain consistent with project approval.
- c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

III. Said approval is subject to the following time Limits:

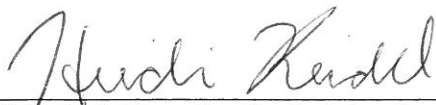
The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. The use has commenced, which in this case means that the Permittee has operational bike share locations in the Coastal Zone approved and inspected by the Public Works Department.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

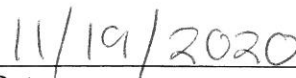
This motion was passed and adopted on the 19th day of November, 2020 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 2 (Lodge and Bonderson) ABSTAIN: 0 ABSENT: 1 (Reed)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Heidi Reidel, Planning Technician I



Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

January 26, 2021

RE: Appeal of Bicycle Share Stations in the Coastal Zone
 PLN2020-0547/ CDP2020-00017

Councilmembers,

I would like to provide clarification regarding a number of issues related to the appeal I filed for the Bicycle Share Stations in the Coastal Zone. The clarifications are related to the proposed locations Staff presented to the Review Bodies. They are as follows:

- The Staff Report provided to the Planning Commission (PC) on November 19, 2020 stated that the Architectural Board of Review (ABR) granted both Project Design and Final Approval of the site locations submitted on August 24, 2020. This statement **intentionally misrepresents the facts concerning the site locations proposed to the PC for Coastal Development Permits (CDPs)**.
 - The proposed site locations approved by the ABR (Exhibit A) are different than those proposed at the PC's hearing (Exhibit B) on November 19, 2020.
 - Only 7 of the proposed site locations were identical. They are shown in Exhibit C.
- The Staff Report provided to the PC on November 19, 2020 stated that the Historic Landmarks Commission (HLC) reviewed the site locations submitted on August 5, 2020, September 2, 2020 and September 16, 2020 and then denied the site locations on September 16, 2020. This statement is also a **blatant misrepresentation of the facts concerning the site locations**.
 - City Staff told the HLC that the ABR had approved the locations in the Coastal Zone and that the **HLC's purview** for the project **was limited solely to the color and design of the bike docks on State St and not location**.
 - The site locations of the bike docks in the Coastal Zone were included in the Staff presentation (Exhibit D). However, Staff instructed the HLC on multiple occasions that their **purview was limited to color and design not site location**. This is counter to the City Charter and Chapter 22.22 and Title 28 of the Municipal Code.
 - Of the site locations in the Staff presentations, but **not** reviewed by the HLC, 7 locations were identical to those proposed to the PC and ABR by Staff as seen in Exhibit C.
- Exhibit C illustrates a comparison of the site locations in the Staff presentations prepared for the ABR (8/24/20), HLC (9/16/20) and PC (11/19/20). It should be noted that:
 - 7 identical site locations were reviewed by the ABR and PC, but not HLC.
 - 10 alternate sites were proposed with none being reviewed and approved by both the ABR and PC. Many of the sites were entirely inconsistent with the City's Local Coastal Program:
 - Locations at Ambassador Park, Cabrillo and State, and Cabrillo and Castillo are scenic view corridors, while others are located on the ocean side of Cabrillo which has long been protected by the City due to key public and scenic views.
- During the PC hearing Staff stated that the MTD had been consulted on the proposed location of the bike docks in the bus turnout at the entrance to the Amtrack Station on State. However, the **MTD was not consulted** on this location. This is evidenced by the attached email exchange between Hillary Blackerby, Samuel Furtner and Rob Dayton on December 16, 2020 (Exhibit E).

Please consider the material and blatant misrepresentations made by Staff and the inappropriate placements they proposed. The issuance of any type of CDP that allows City Staff to make a final decision on a bike dock location without a public hearing should be prohibited.

Thank you,
 Anna Marie Gott

**SANTA BARBARA BCYCLE PILOT BIKE
SHARE PROGRAM:
ARCHITECTURAL BOARD OF REVIEW
CONCEPT REVIEW**

3.0 STATION PLANNING

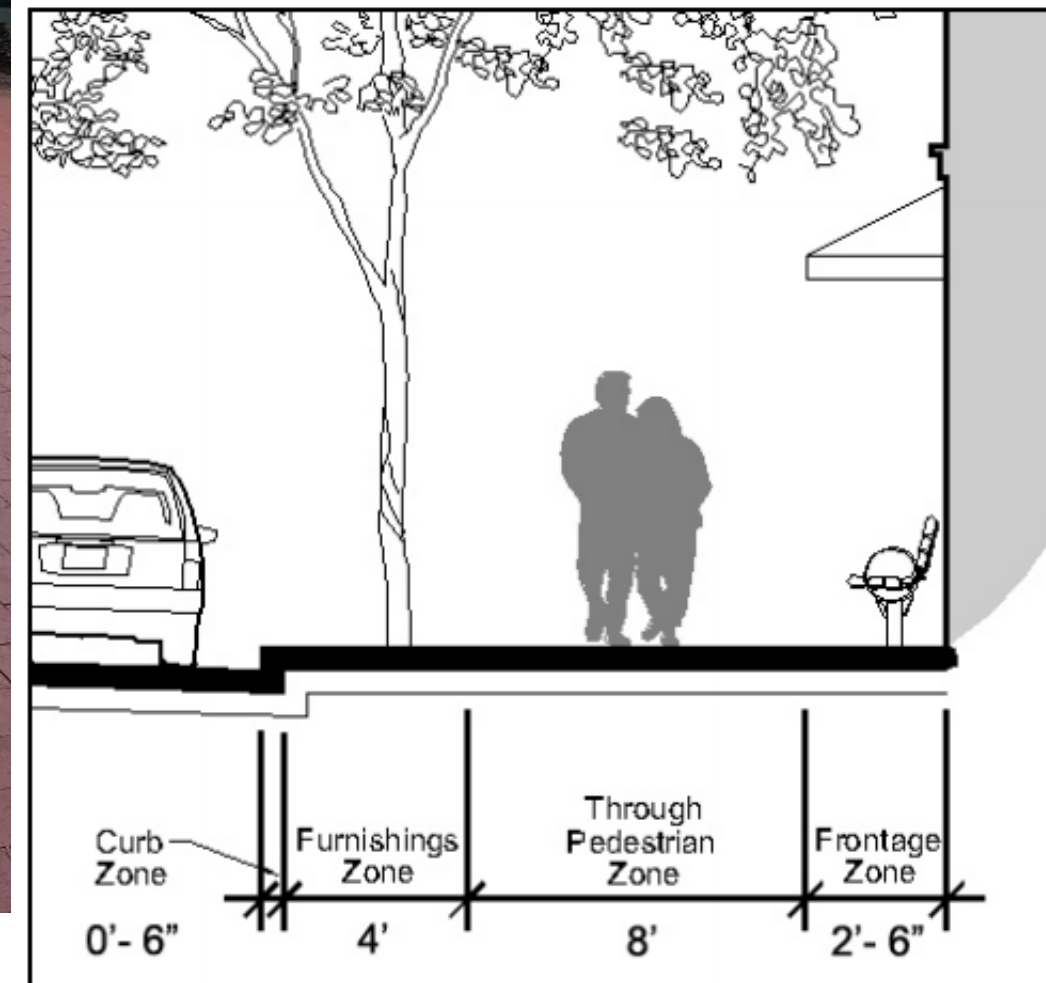


3.0 STATION PARAMETERS

- Siting Guidelines for Furniture Zone installation:
 - Minimum of 2 docks together
 - Minimum of 4 docks in immediate proximity (within 20 feet)
 - Stations within 1-2 minute walk to the next
- Project Scope:
 - 300-350 docks on State Street and in Downtown
 - 10 docks per block on State
 - 150-200 docks along the Waterfront



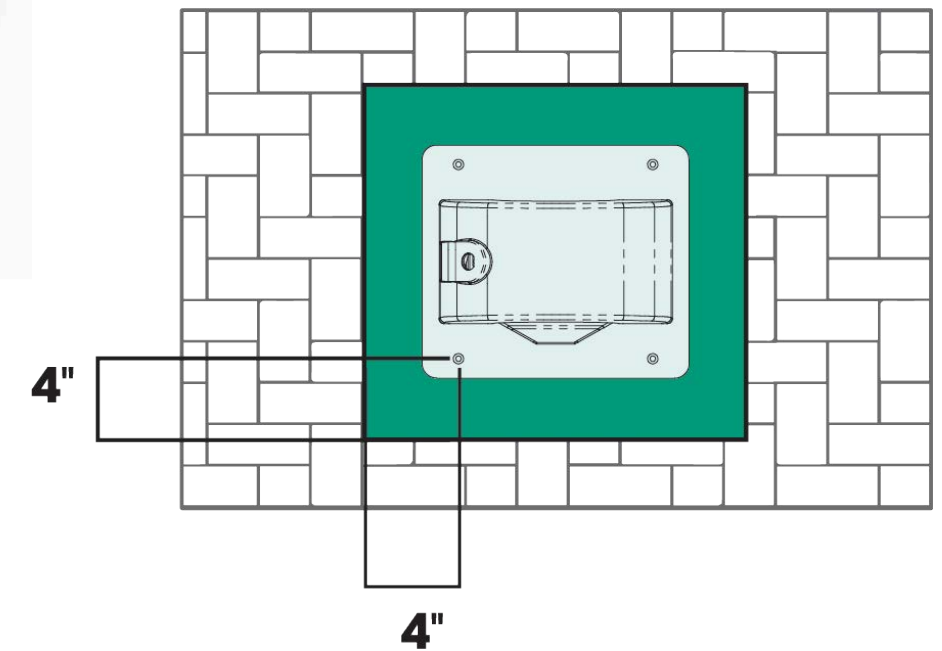
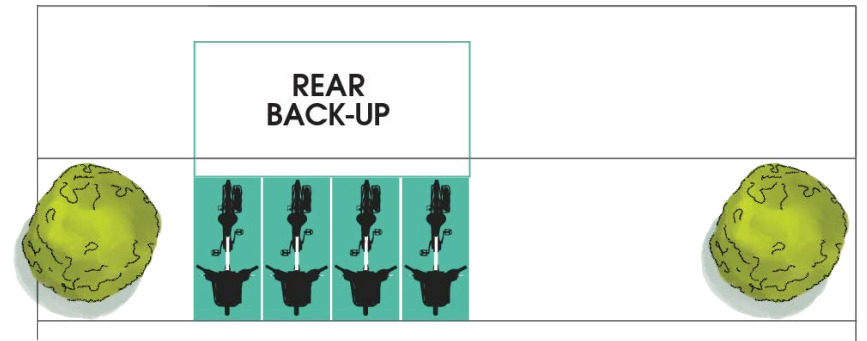
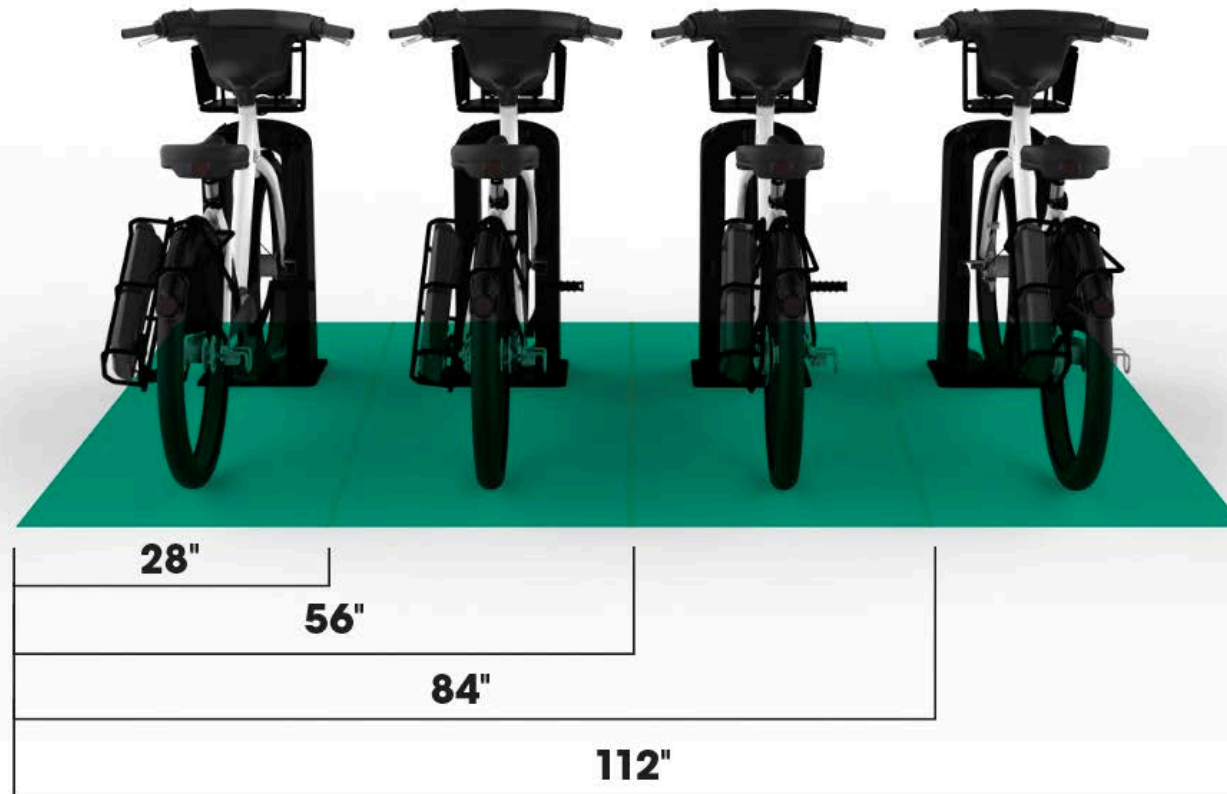
Through Pedestrian Zone, 2006 PMP



3.0 STATION PLANNING

IN THE FOLLOWING
PAGES WE WILL
COVER:

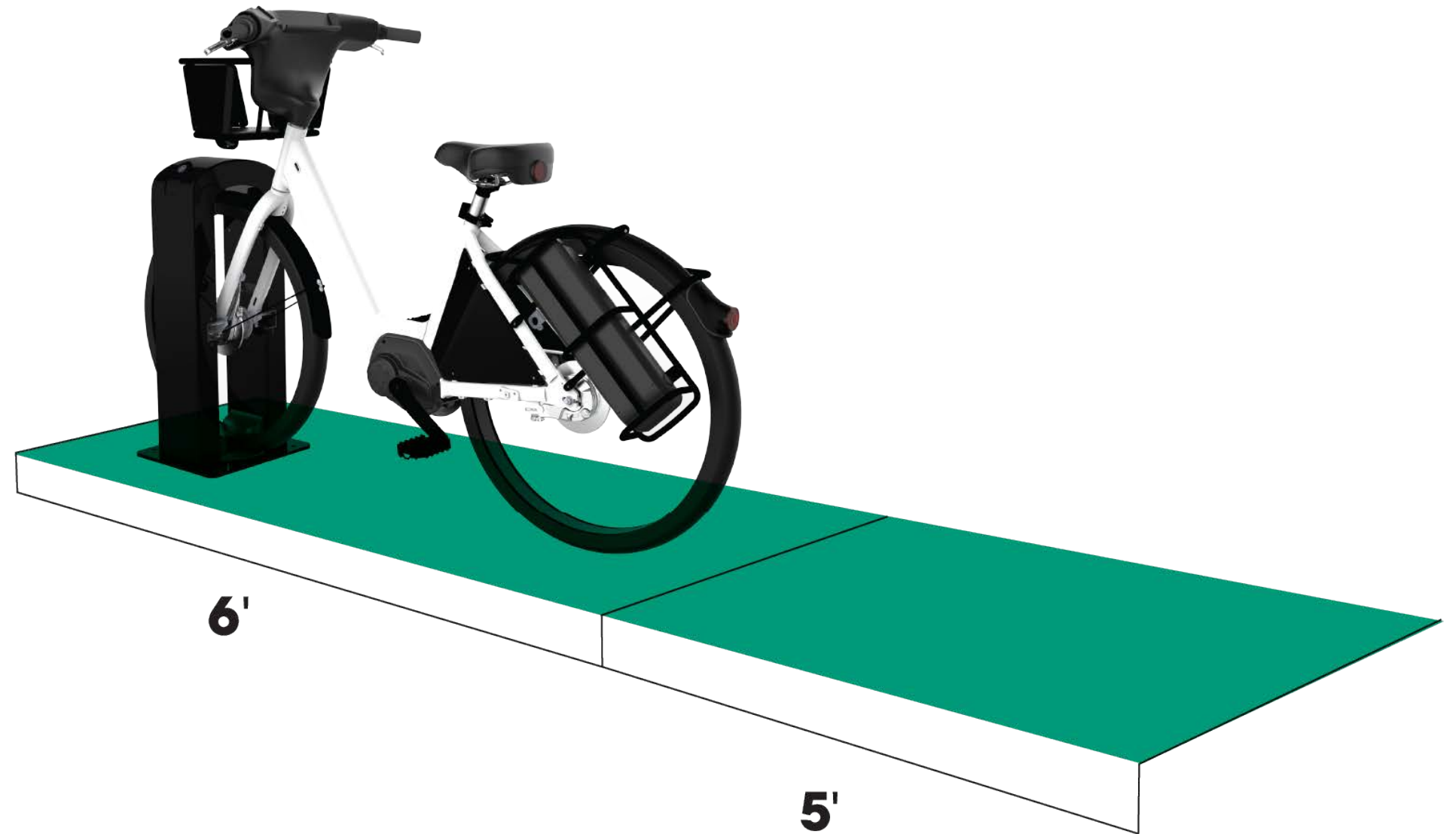
- Station Dimensions
- Install Dimensions
- Station Configurations
- Install Basics
- Station Mockups



3.0 STATION - INSTALL DIMENSIONS

STATION DEPTH:

- Single-sided stations must have at least 6' of space (this includes a 6" front tire overhang) plus a 5' back-up zone totaling 11'
- Double-sided stations must have at least 8'6" of space plus a recommended 5' back-up zone on each side totaling 16'6"



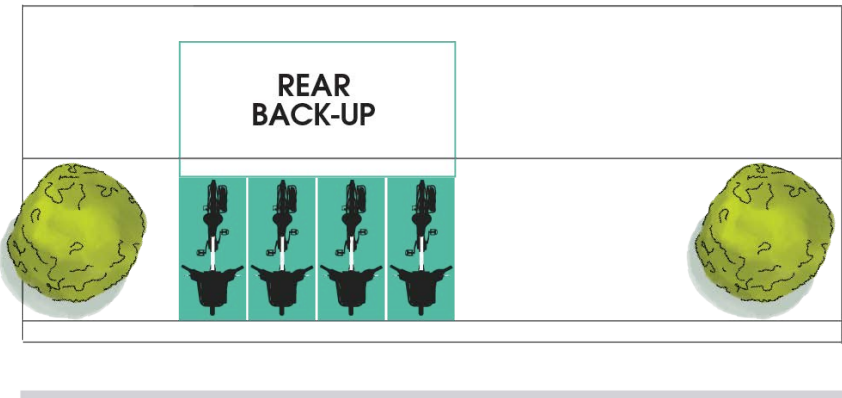
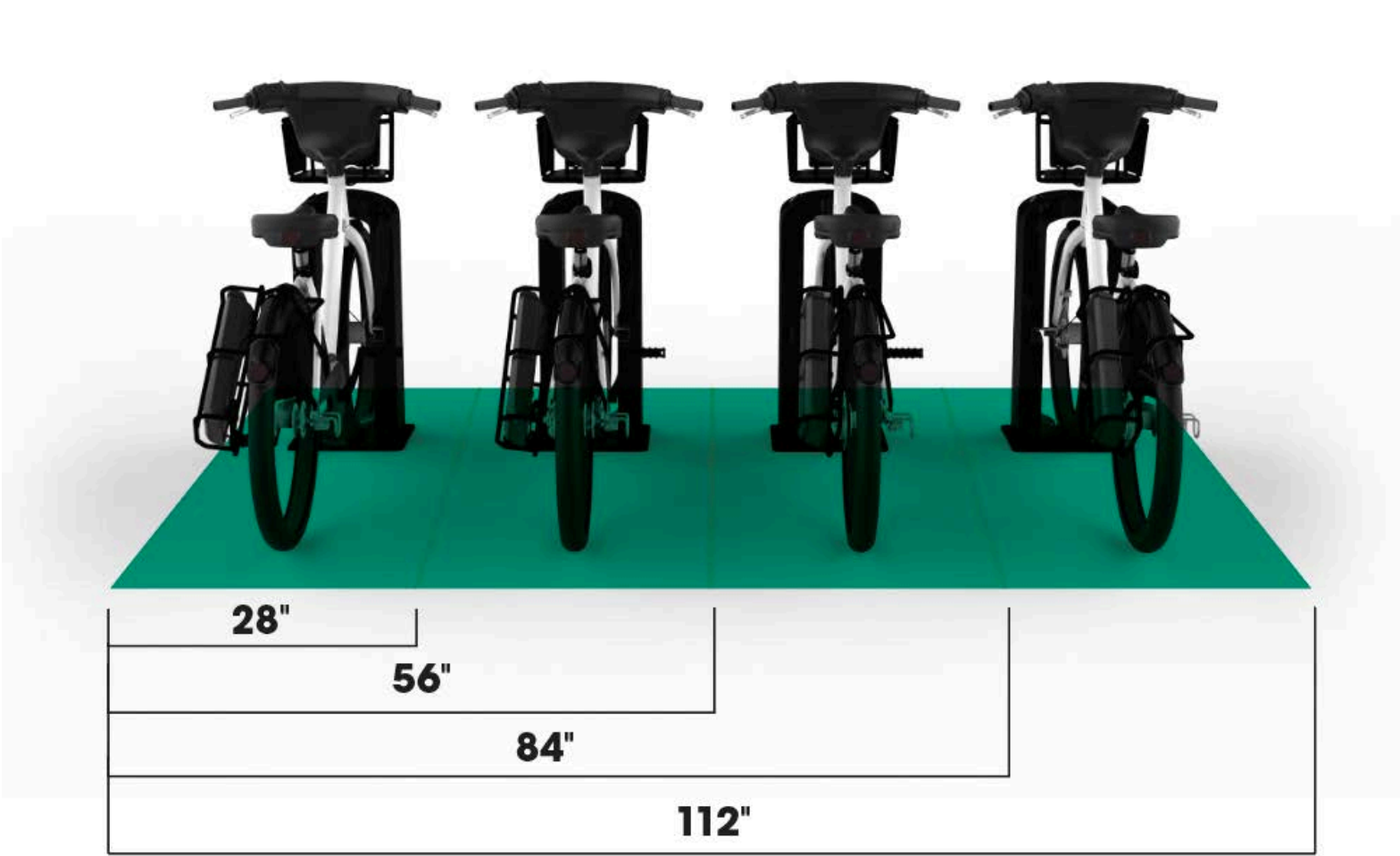
3.0 STATION - INSTALL DIMENSIONS

WITHOUT BASE PLATES:

- Length: 6' based on size of bike
- Width: 28" (handlebar width)

SPACING AND THROUGH ZONE:

- Docks need to be spaced 30" apart
- Allow 5ft backup zone from the back of the bike
- Rule of thumb: Need a 11ft area (~6 from the front of the bike to the end of the backup zone)
- Installations should avoid possible impediments on either side of handlebars (street lights, trash receptacles, etc.)
- Installations should maintain Pedestrian Through Zone
- Leave approximately 3 feet on either side of dock to allow people to walk through



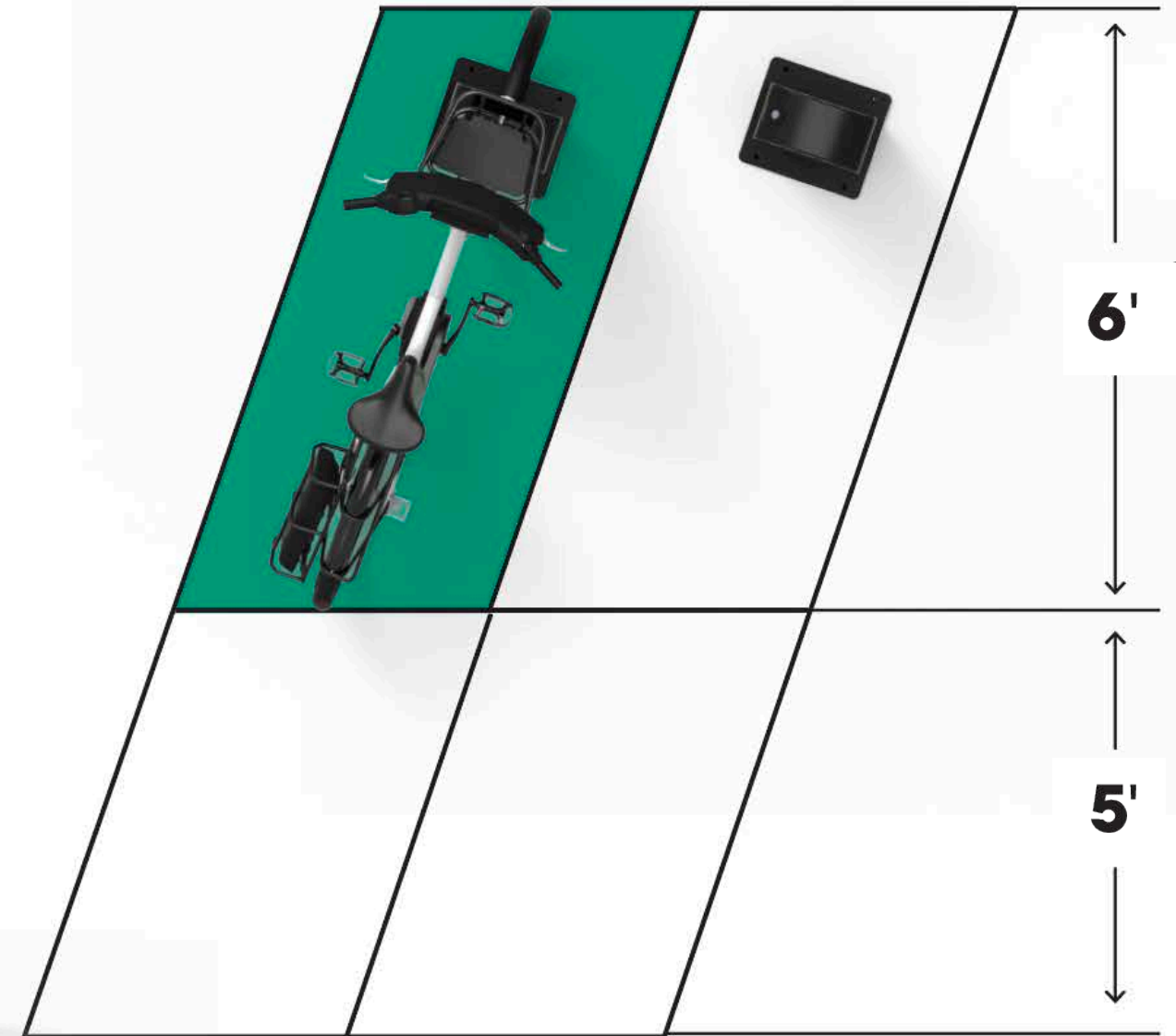
QUICK KEY

STATION WIDTH	
# OF DOCKS	MIN. WIDTH
1	28" (2 1/3')
2	56" (4 2/3')
3	84" (7')
4	112" (9 1/3')
5	140" (11 2/3')
6	168" (14')
7	196" (16 1/3')
8	224" (18 2/3')

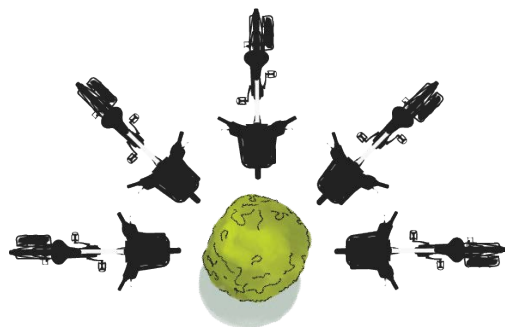
3.0 STATION - INSTALL DIMENSIONS

ANGLED STATION DEPTH (SPACE SAVER)

- Docks can be rotated 22.5 degrees to reduce footprint depth by 4-5".



3.0 STATION CONFIGURATIONS

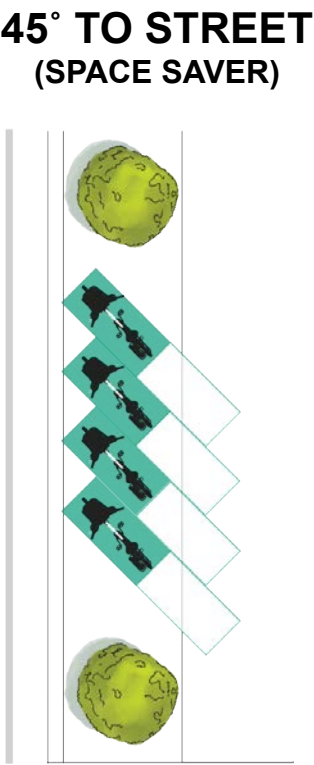
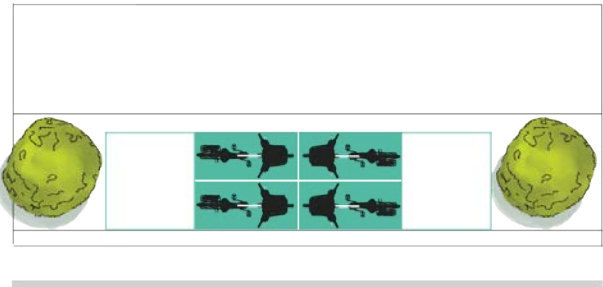
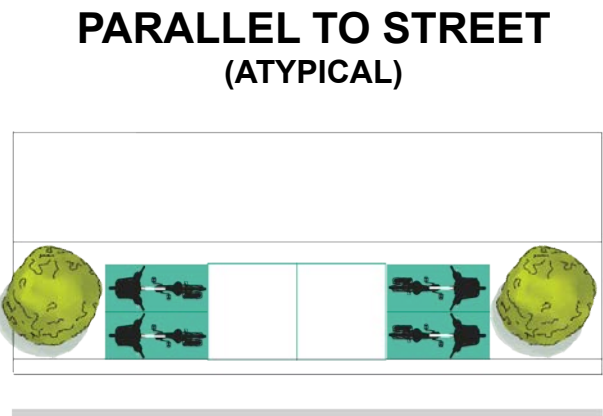
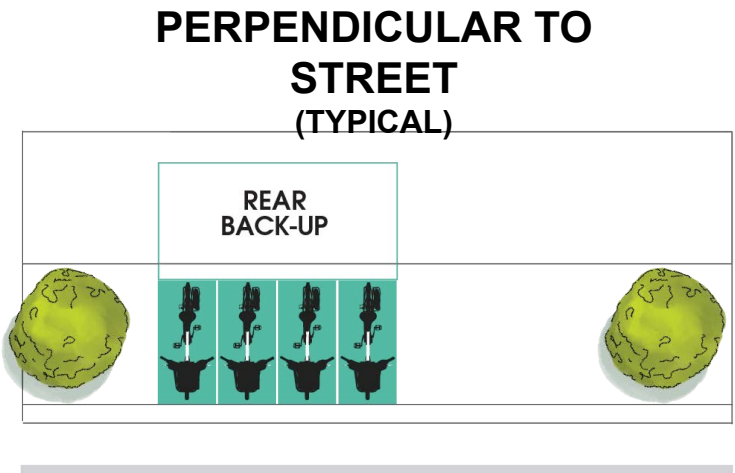


QUICK KEY

STATION WIDTH

# OF DOCKS	MIN. WIDTH
1	28" (2 1/3')
2	56" (4 2/3')
3	84" (7')
4	112" (9 1/3')
5	140" (11 2/3')
6	168" (14')
7	196" (16 1/3')
8	224" (18 2/3')

STATION DEPTH:
The depth of the dock with a bike is 6'
5 foot minimum needed behind the bike for the rear back up zone



LARGER 3.0 STATIONS COULD SERVE AS GREAT LOCATIONS FOR THE ENROLLMENT KIOSKS



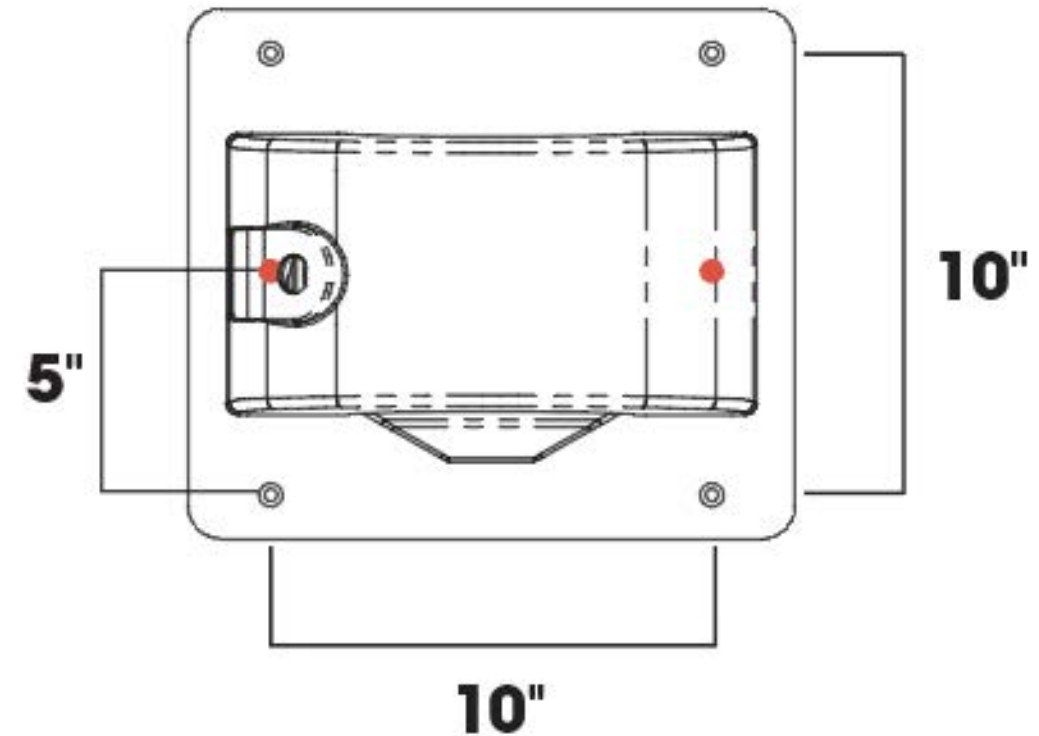
3.0 STATION – INSTALL BASICS



TOOLS:

- T25 security torx hand driver
- T27 security torx impact bit
- 3/16" x 10" SDS+ masonry bit
- M18 Fuel SDS+ Rotary Hammer*
- M18 Fuel 2spd impact driver

* We Strongly recommend the use of a "Rotary Hammer" over a "Hammer Drill" due to its harder preforming Hammer aspect, cutting drill time in half.

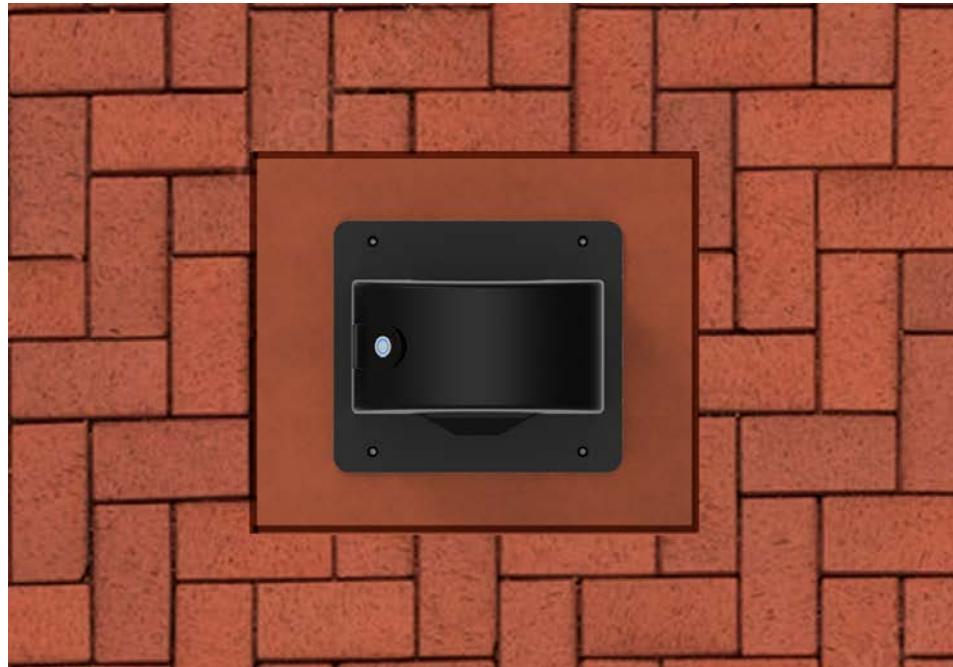


INSTALLING INTO CONCRETE:

There are 4 external holes that are equally spaced out by 10"

In **red**, you will find two additional hidden holes (within the leg) that can be used for added security but are not required.

3.0 STATION – INSTALL BASICS



INSTALLING INTO PAVERS/ASPHALT:

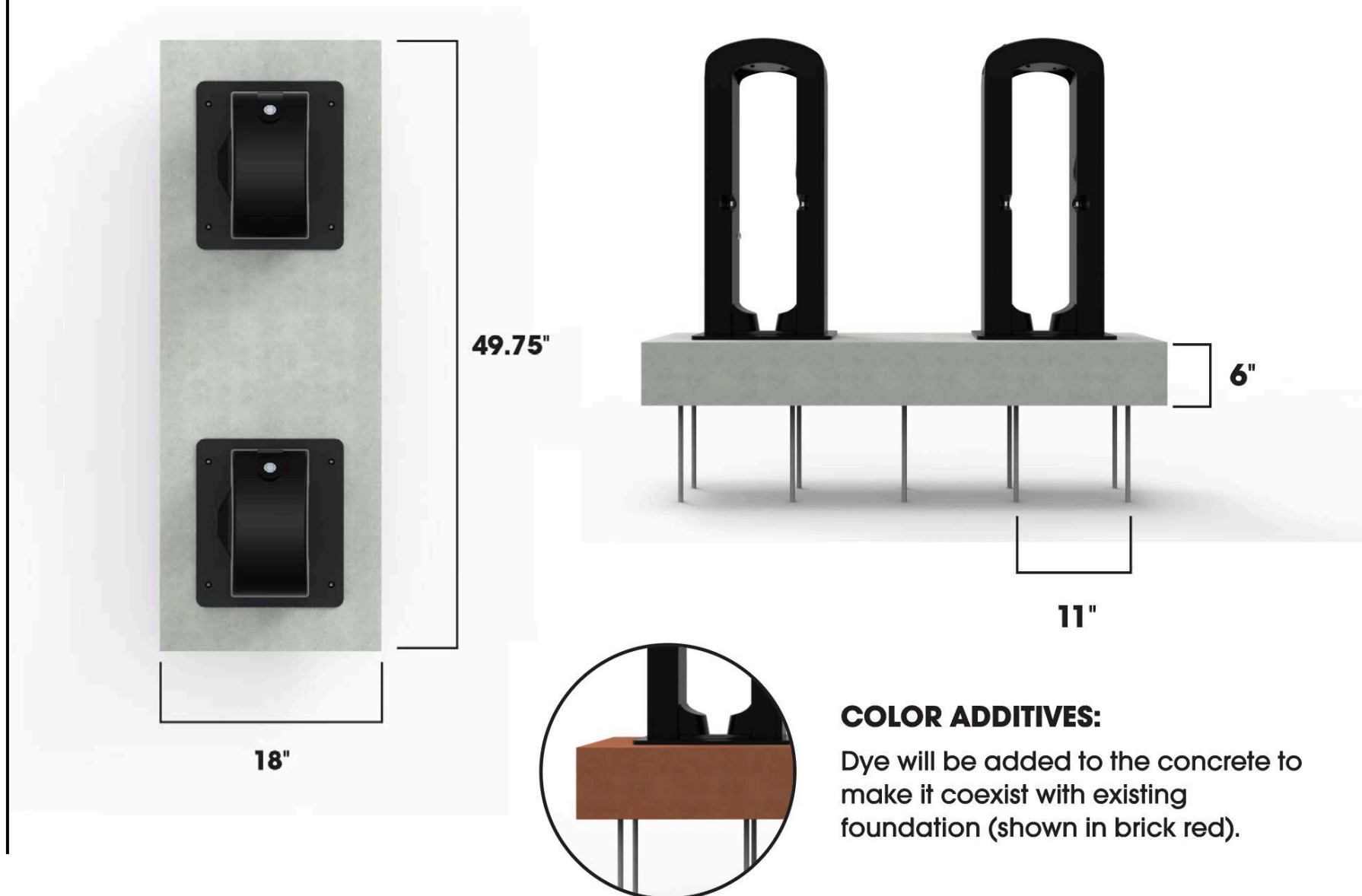
The only difference here is that you will need to pour concrete pads*. BCycle suggests offsetting the pad at least 4" from the mounting holes to ensure the concrete won't crumble around the edges (See diagram to the right).

*We highly recommend using a concrete that meets or exceeds 2500 psi.



SUGGESTED CONCRETE PAD SPEC'S:

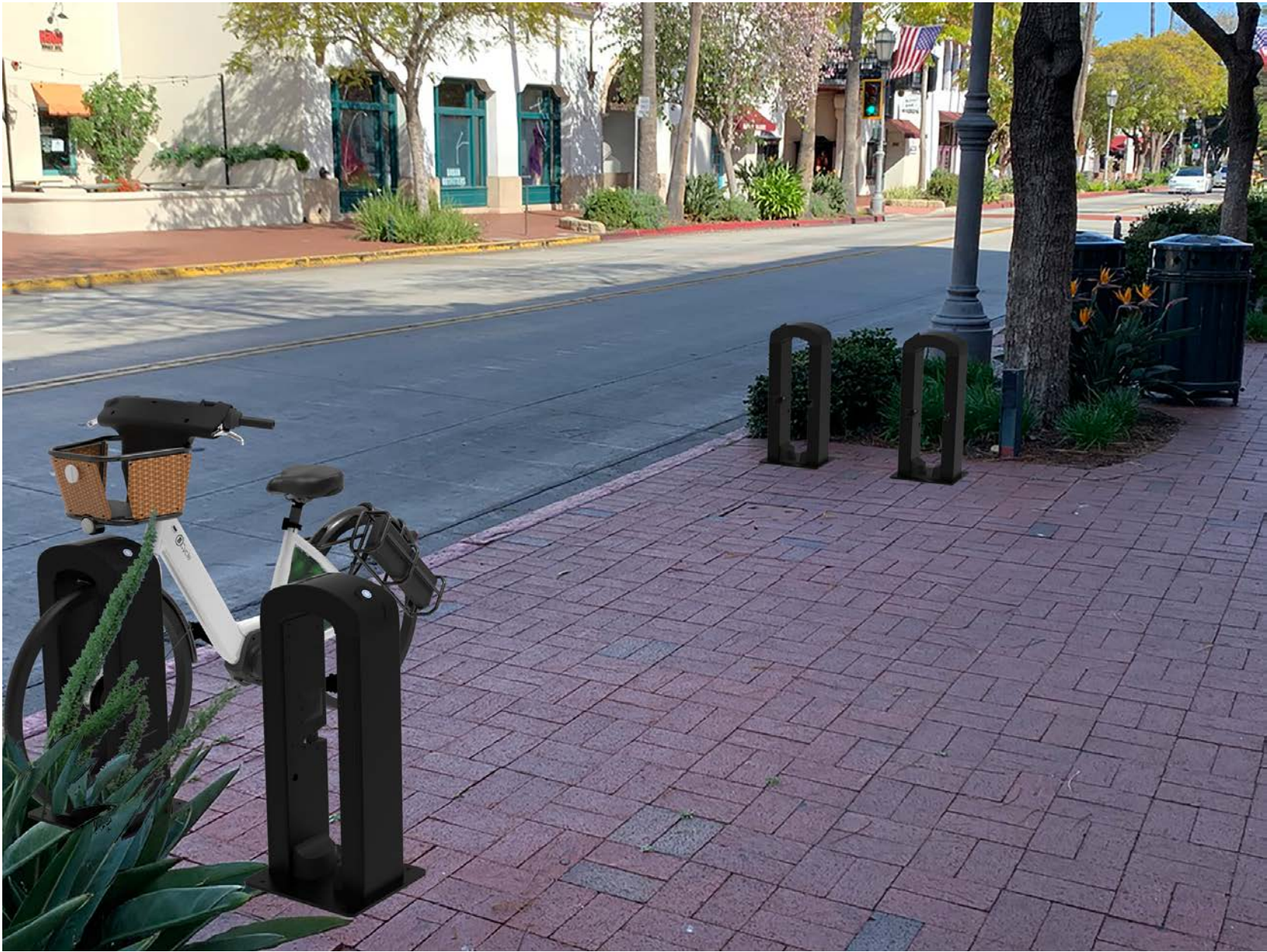
Below are the suggested dimensions for a concrete pad to withhold maximum force on dock. For maximum effectiveness with pavers, we suggest using rebar spikes.



COLOR ADDITIVES:

Dye will be added to the concrete to make it coexist with existing foundation (shown in brick red).

STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



VINYL WRAPPED 1.0 STATION



VINYL WRAPPED 1.0 STATION

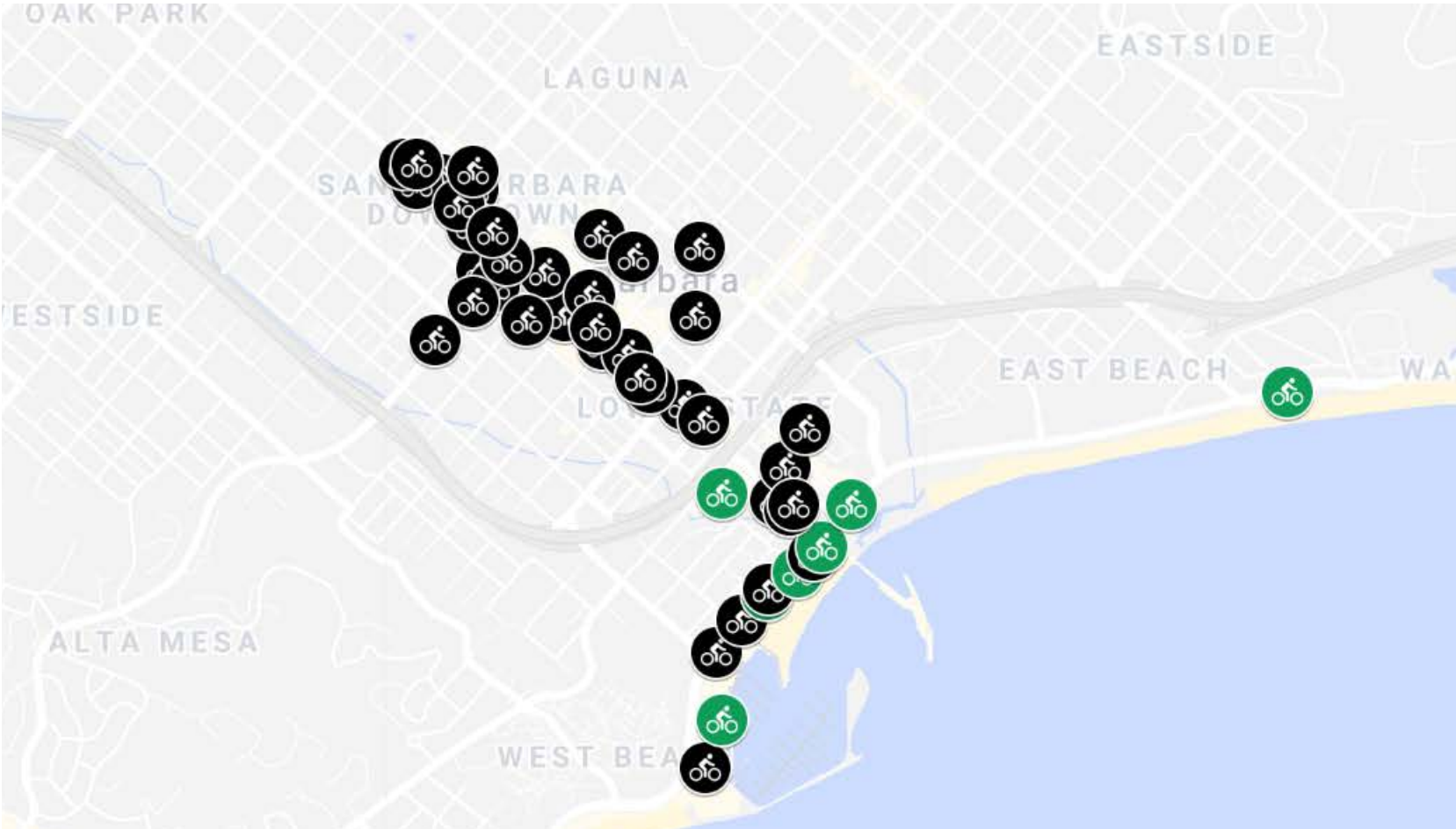


WATERFRONT: EXAMPLE 1.0 STATION



S E R V I C E A R E A P L A N

DRAFT SERVICE MAP



- 3.0 docks (2 to 4 docks)
- 1.0 or 3.0 stations (Up to 8 docks)
(Depending on dock count, site space, equipment availability, need for kiosk)

Downtown

- Paseo Nuevo
- Marshalls
- SB Public Library
- State & E Haley
- State & Cota
- Granada Theater
- Metro Transit
- Hotel Indigo
- Handlebar Coffee Roasters
- City of Santa Barbara Public ..
- City Hall
- Kimpton
- CVS
- Ralph's
- CVS
- Paseo Nuevo 2
- Starbucks on Victoria
- Arlington Theatre
- Chase Bank
- SB Museum of Art
- State @ Carrillo
- State @ Figueroa



- State @ Ortega
- Metro 4 Theatre
- State @ De La Guerra Plaza
- Starbucks on State
- State @ E Gutierrez
- SB Wine Collective
- Gray @ Yanonali
- SB Farmer's Market
- SB Historical Museum
- Bike Center
- Finney's
- Goat Tree
- Amtrak station

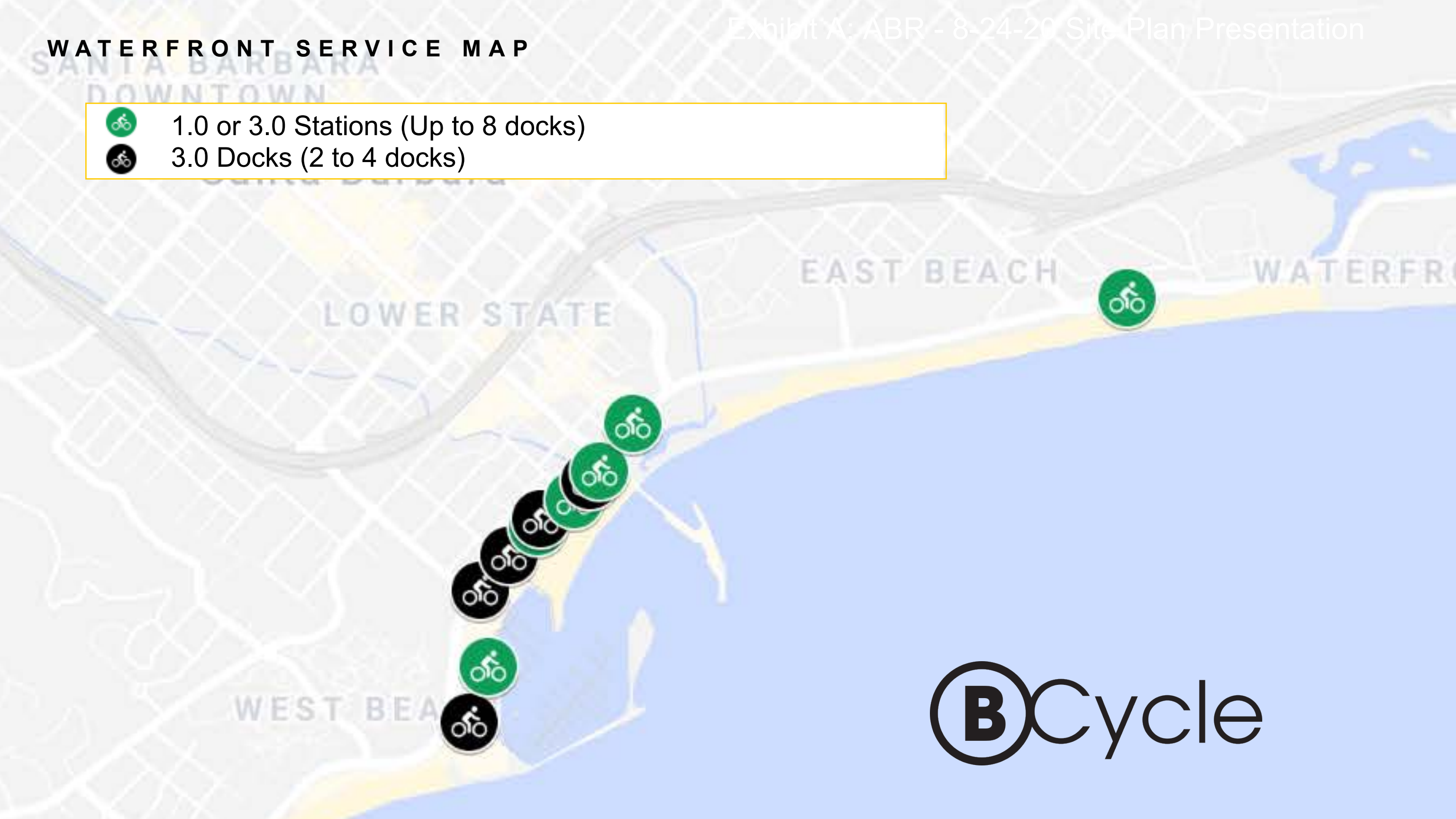
Waterfront

- Santa Barbara Harbor (Break.
- Santa Barbara Harbor
- Cabrillo & Castillo
- Cabrillo & Bath
- Chad's Restaurant
- Ambassador Park
- Cabrillo & Chapala
- West Beach
- Cabrillo & State
- Cabrillo & Anacapa
- East Beach West Lot

**WATERFRONT
LOCATIONS**

WATERFRONT SERVICE MAP

-  1.0 or 3.0 Stations (Up to 8 docks)
-  3.0 Docks (2 to 4 docks)



WATERFRONT PROPOSED SITES

1. Santa Barbara Harbor
(Breakwater Restaurant)
2. Santa Barbara Harbor*
3. Cabrillo & Castillo
4. Cabrillo & Bath
5. Chad's Restaurant*
6. Ambassador Park
7. Cabrillo & Chapala*
8. West Beach
9. Cabrillo & State*
10. Cabrillo & Anacapa*
11. East Beach West Lot*

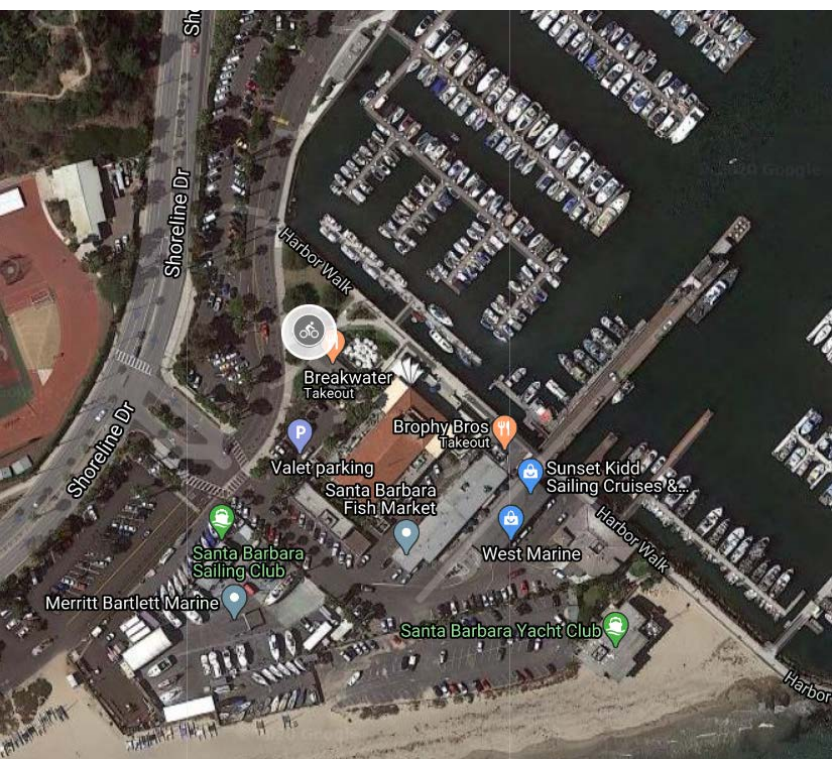
* Kiosk proposed

**1. Santa Barbara Harbor
(Breakwater Restaurant)**

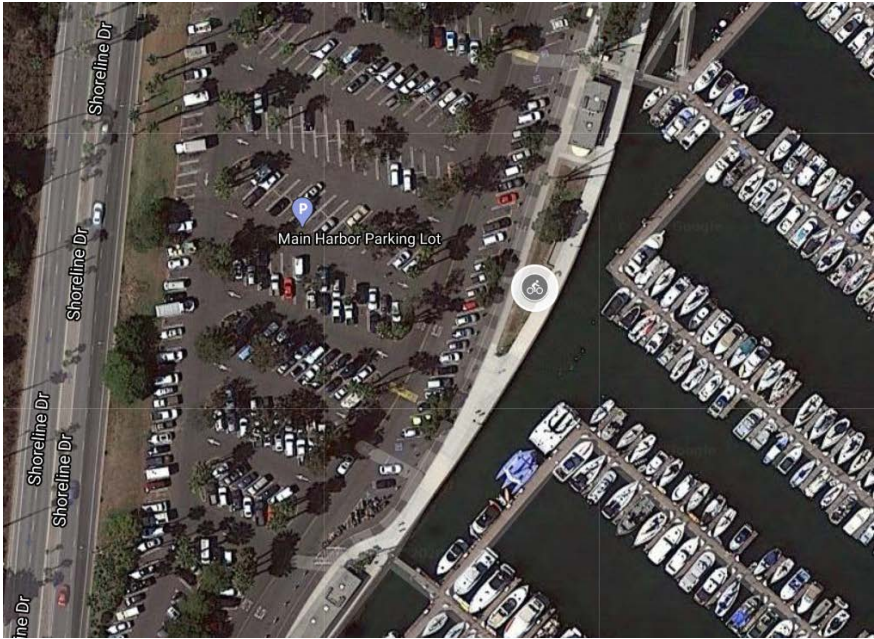
Station size: 20' x 8'8"

Station type: 3.0, 8 docks

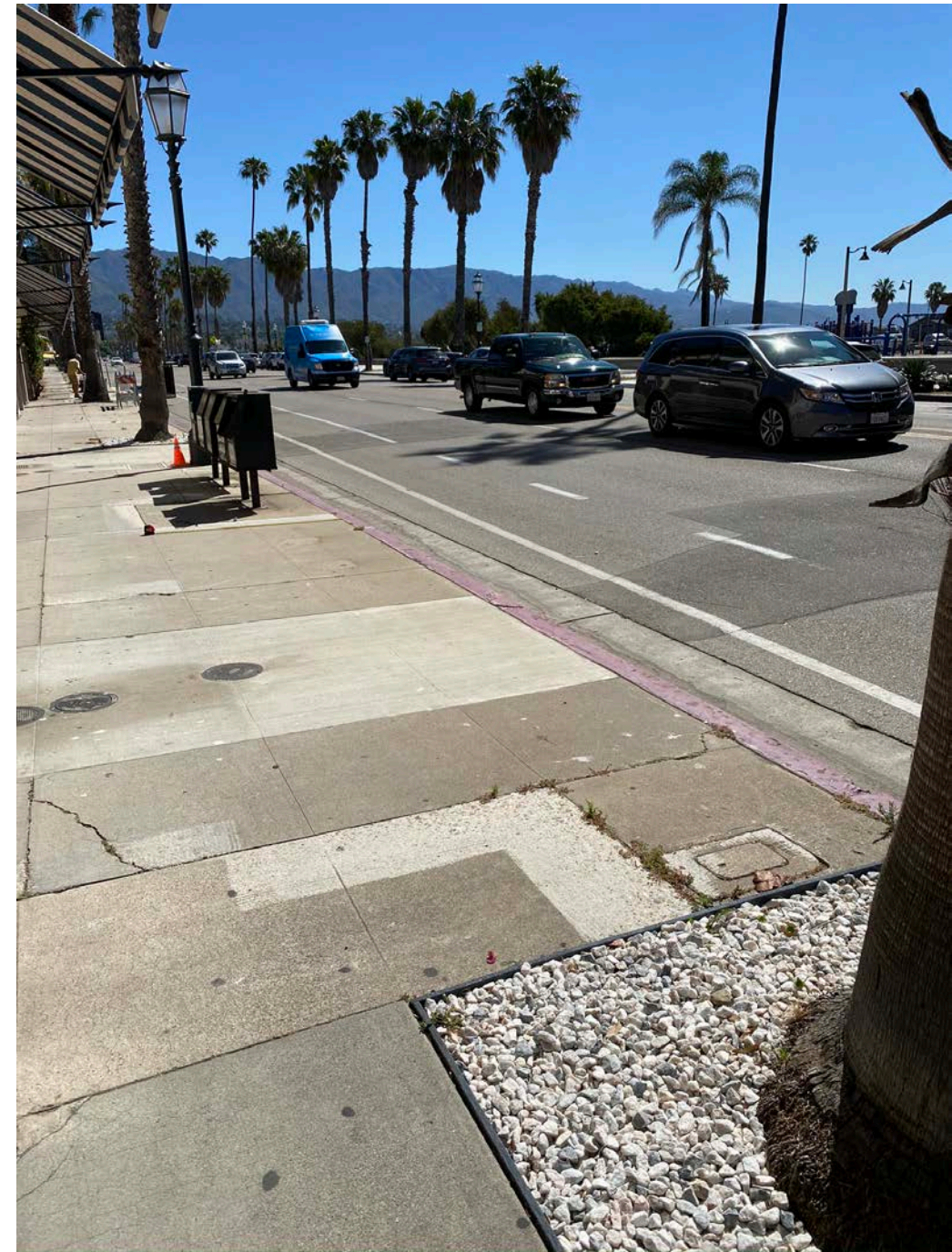
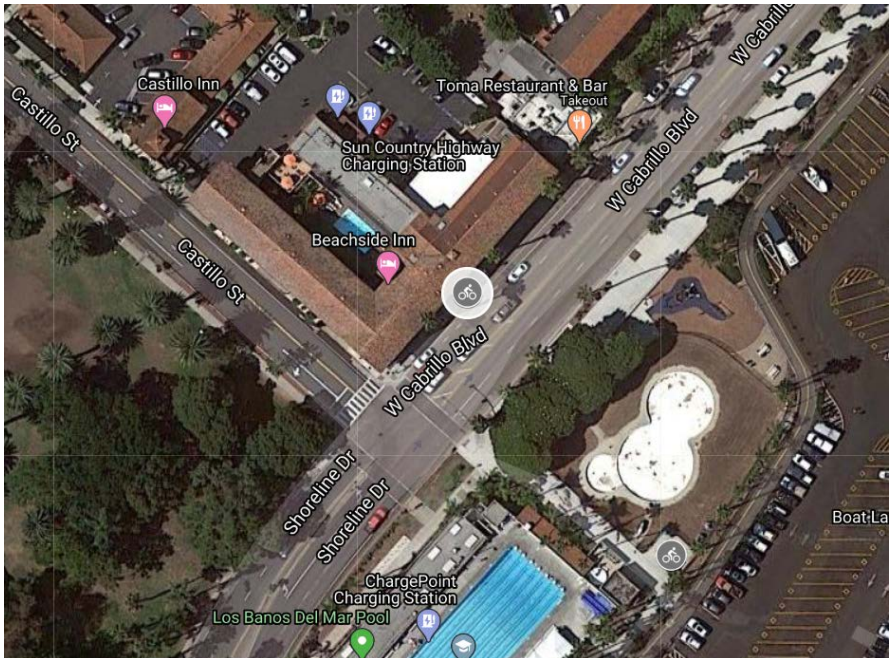
Remove concrete surrounding tree and insert (qty 8) 3.0 docks



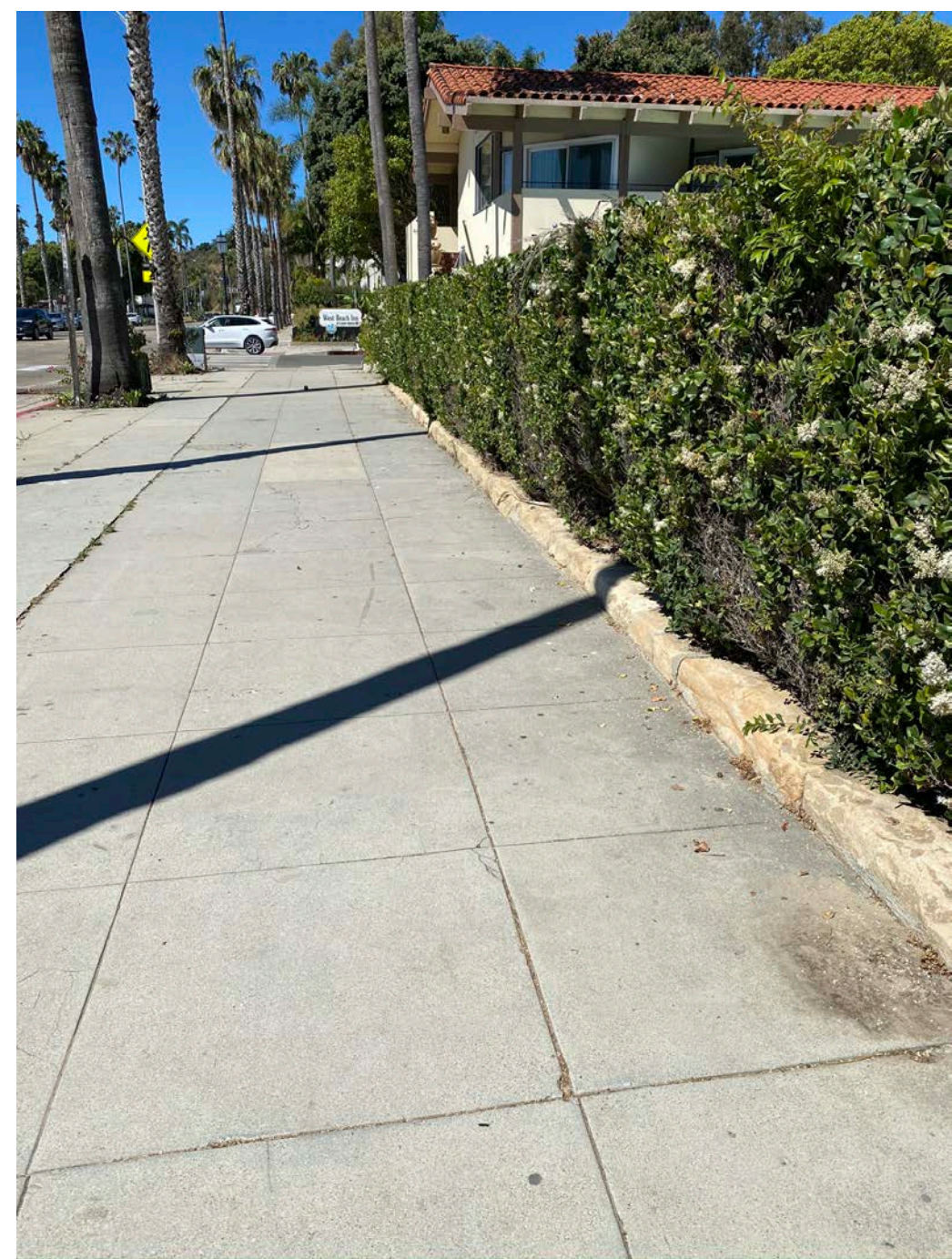
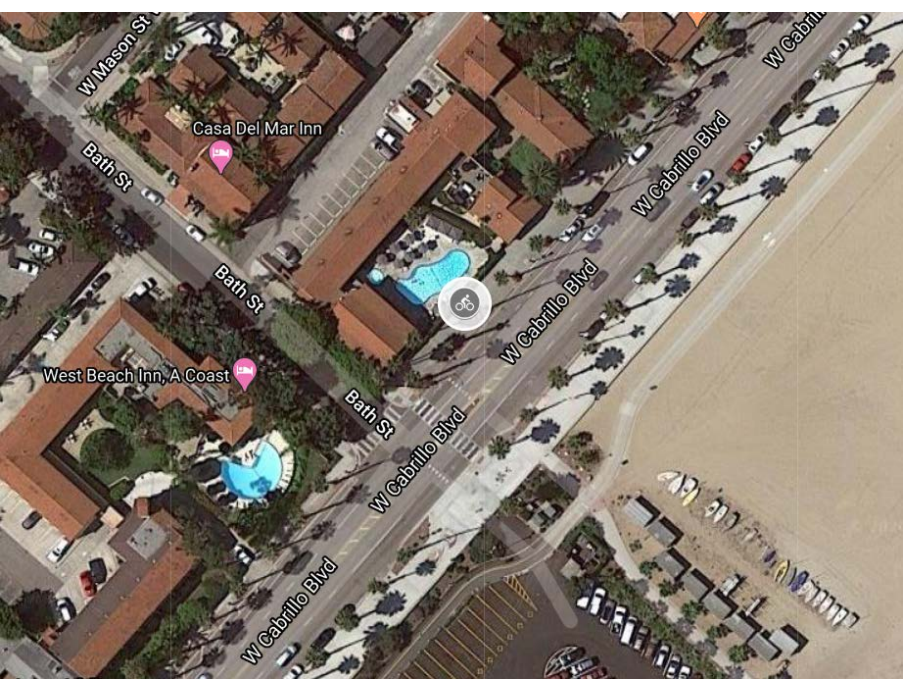
2. Santa Barbara Harbor
Station size: Up to 60'
Station type: 1.0 or 3.0 single-sided
with kiosk, 7 docks



3. Cabrillo & Castillo
Station size: 23' x 5'8"
Station type: 3.0, 8 docks



4. Cabrillo & Bath
Station size: 23' x 5'8" (9' Backup)
Station type: 3.0, 8 docks

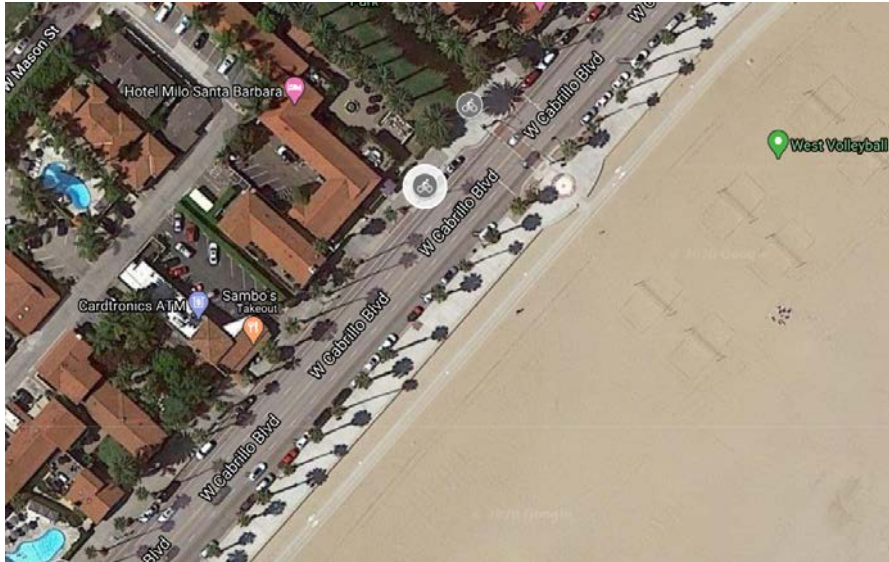


5. Chad's Restaurant

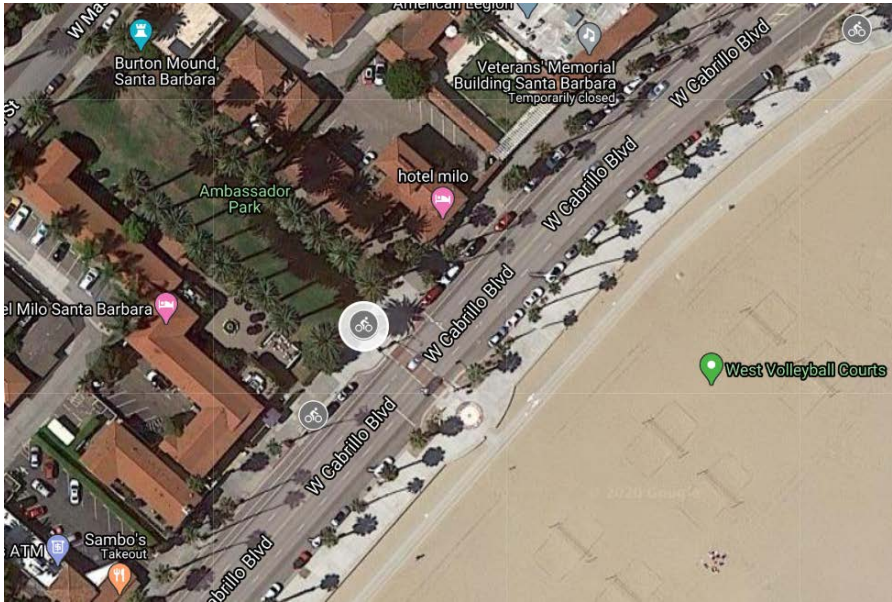
Station size: 47' x 5'8" (12'6" backup)

Station type: 1.0 or 3.0 single-sided
with kiosk, 7 docks

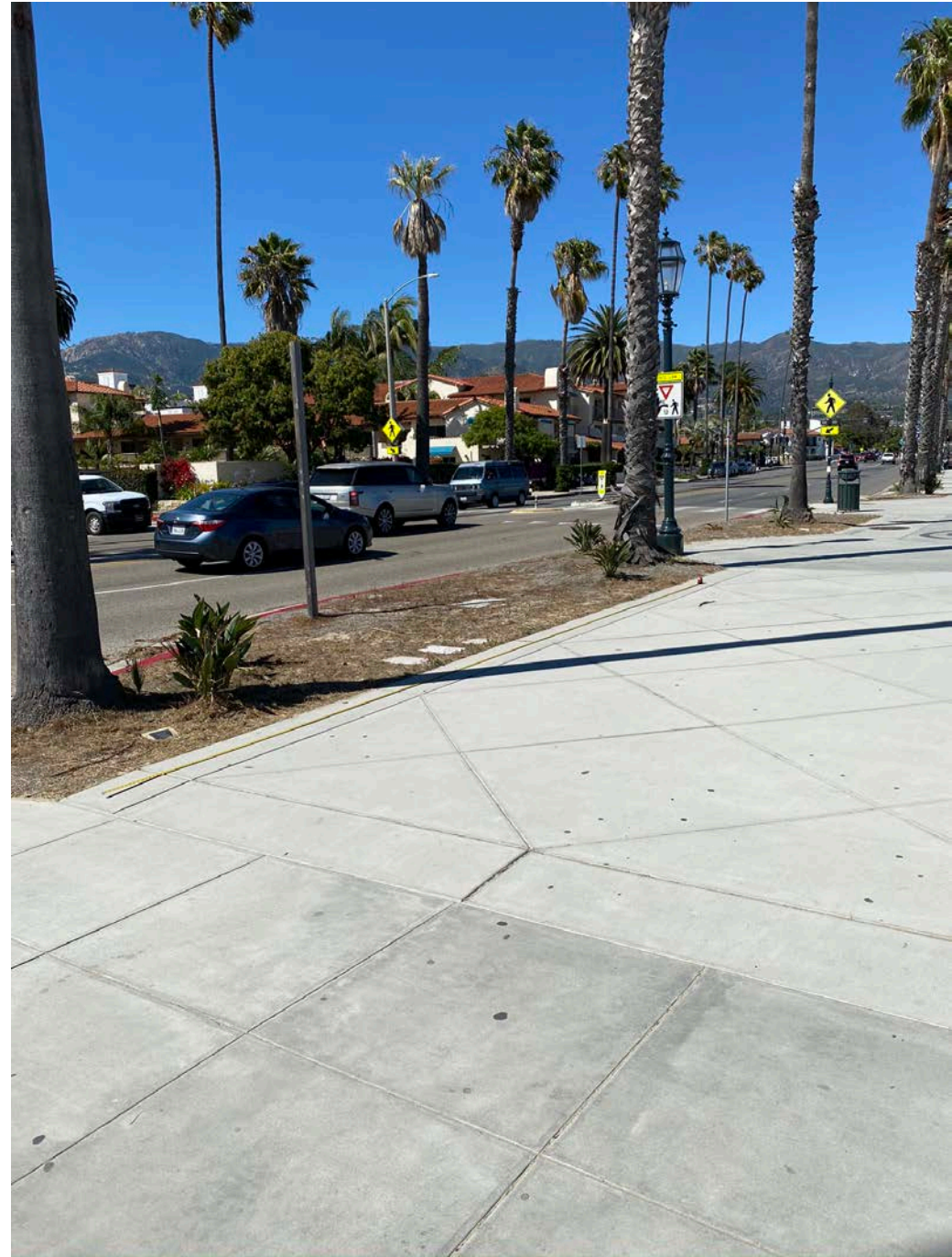
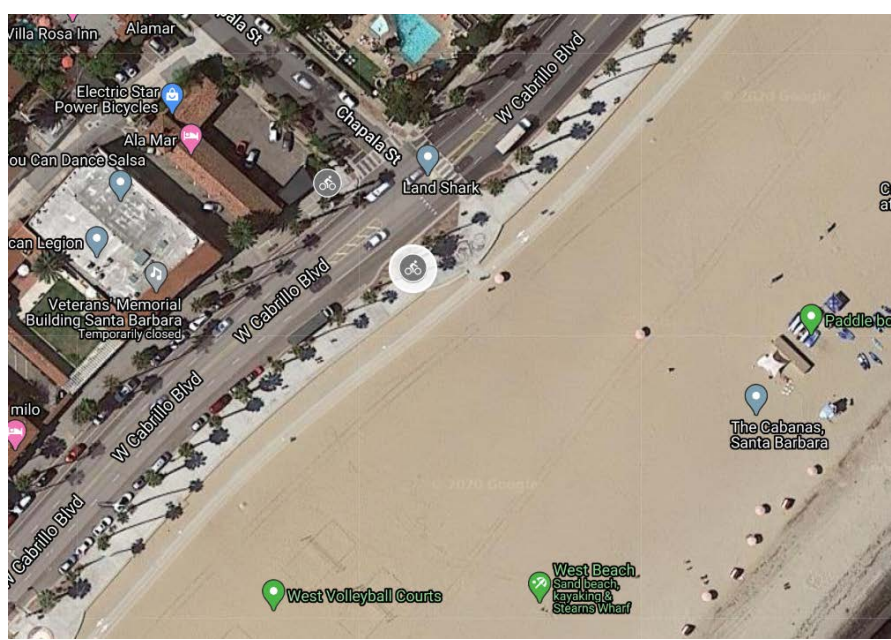
Notes: Sign may require relocation



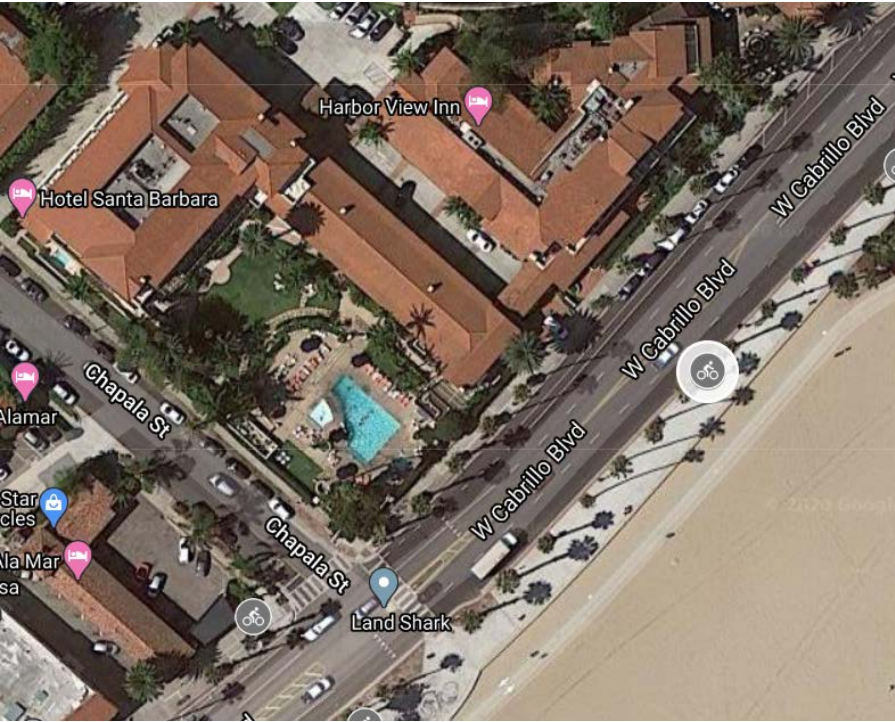
6. Ambassador Park
Station size: 28' x 5'8" (10' Backup)
Station type: 3.0, 7 docks



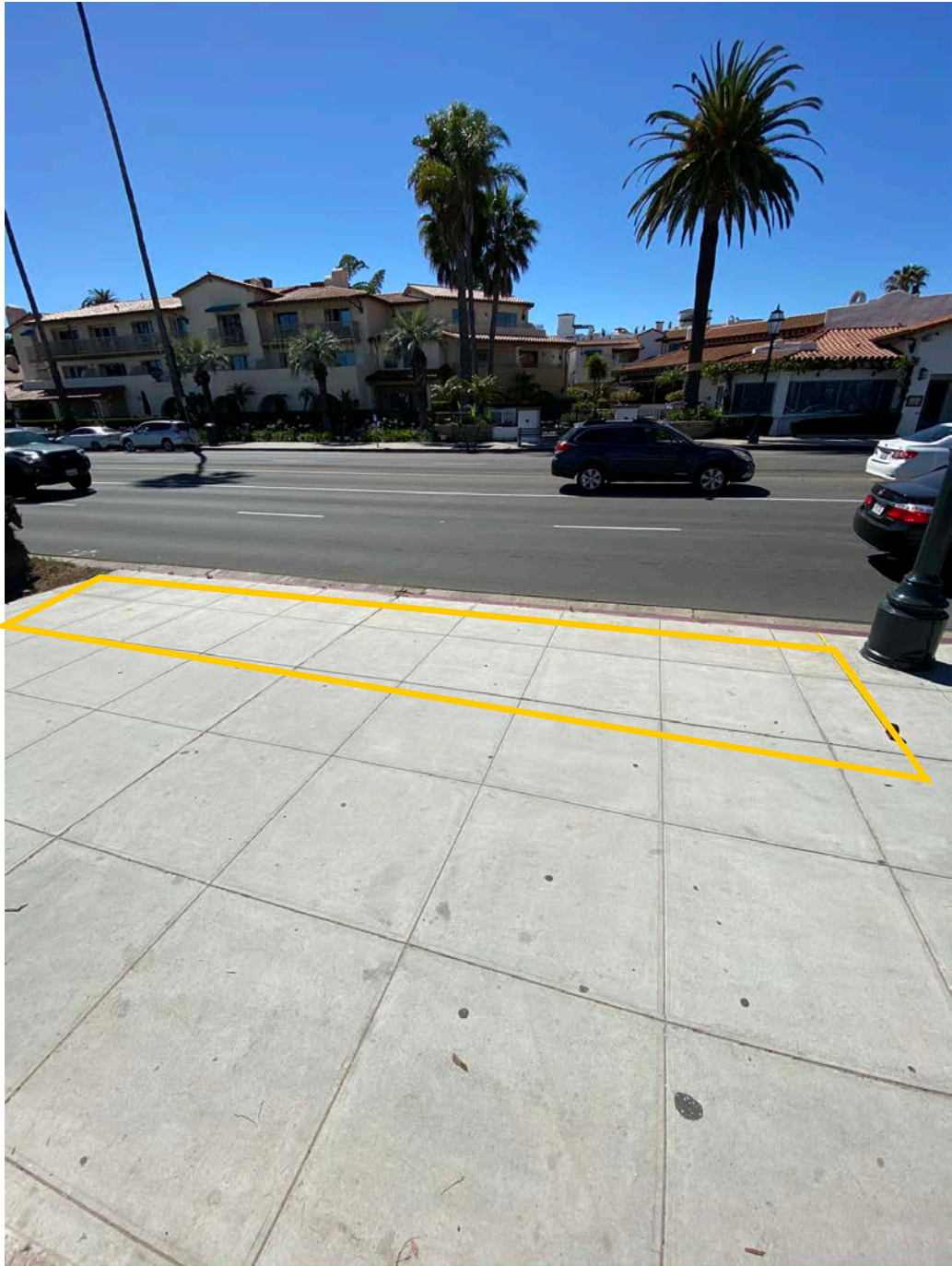
7. Cabrillo & Chapala
Station size: 28' x 5'8" (10' backup)
Station type: 1.0 or 3.0 single-sided
with kiosk, 5-7 docks



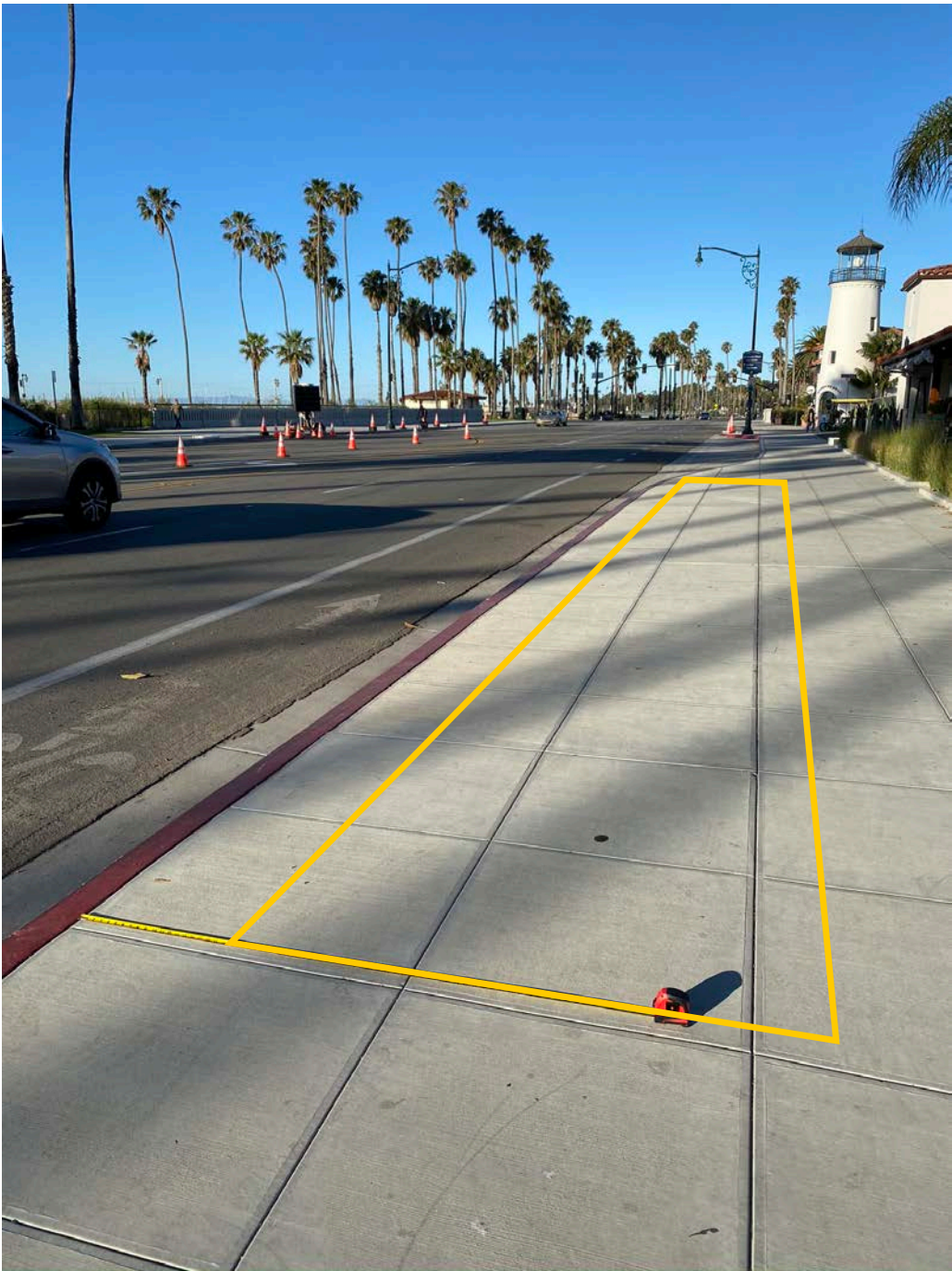
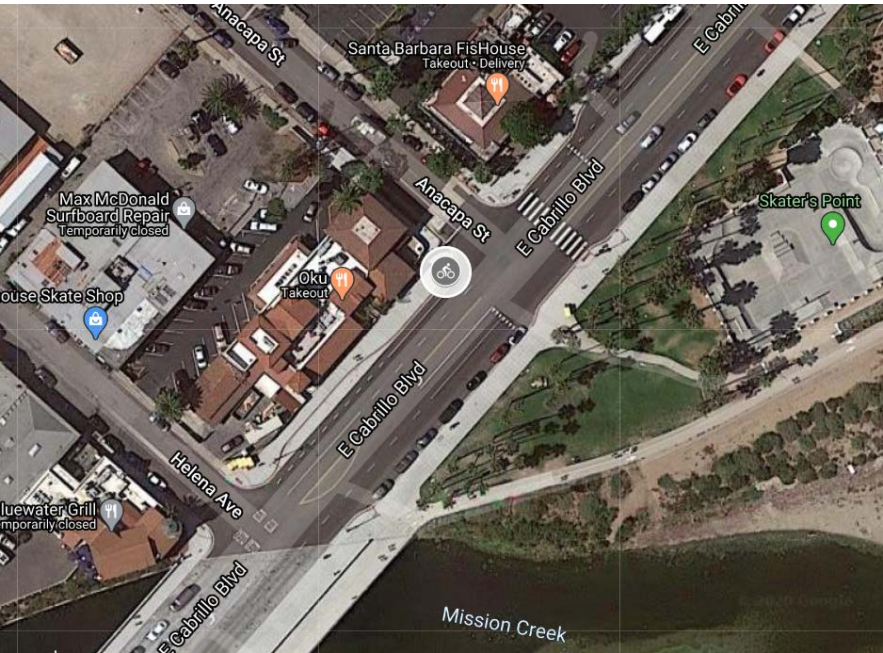
8. West Beach
Station size: 27'5" x 5'8" (10' Backup)
Station type: 3.0, 8 docks



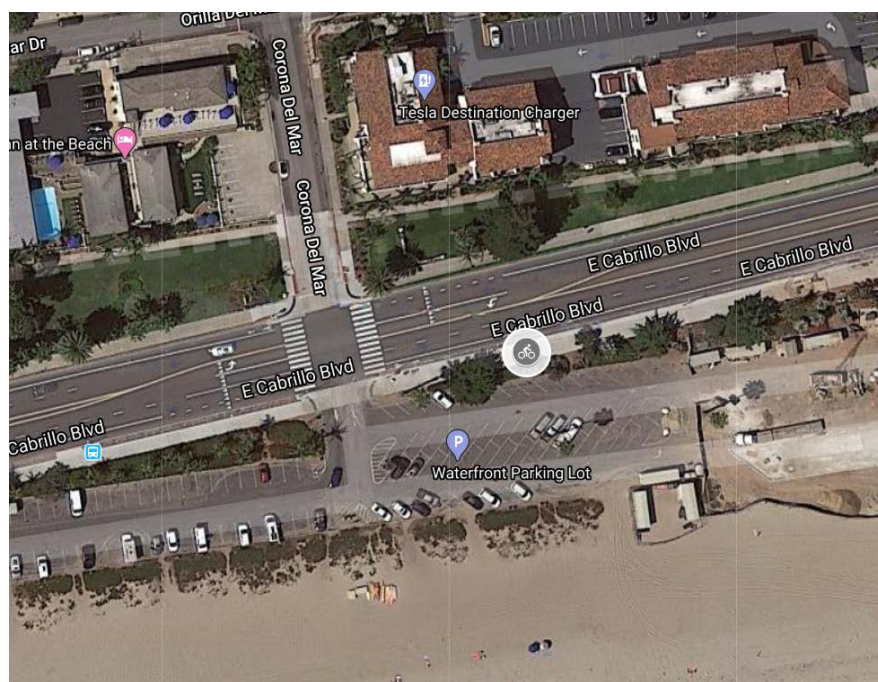
9. Cabrillo & State
Station size: 29' x 5'8" (10' Backup)
Station type: 1.0 single-sided with
kiosk, 7 docks



10. Cabrillo & Anacapa
Station size: 59' x 5'8" (10' Backup)
Station type: 1.0 single-sided with
kiosk, 7 docks



11. East Beach West Lot
Station size: 50' x 5'8" (7' Backup)
Station type: 1.0 single-sided with
kiosk, 7 docks

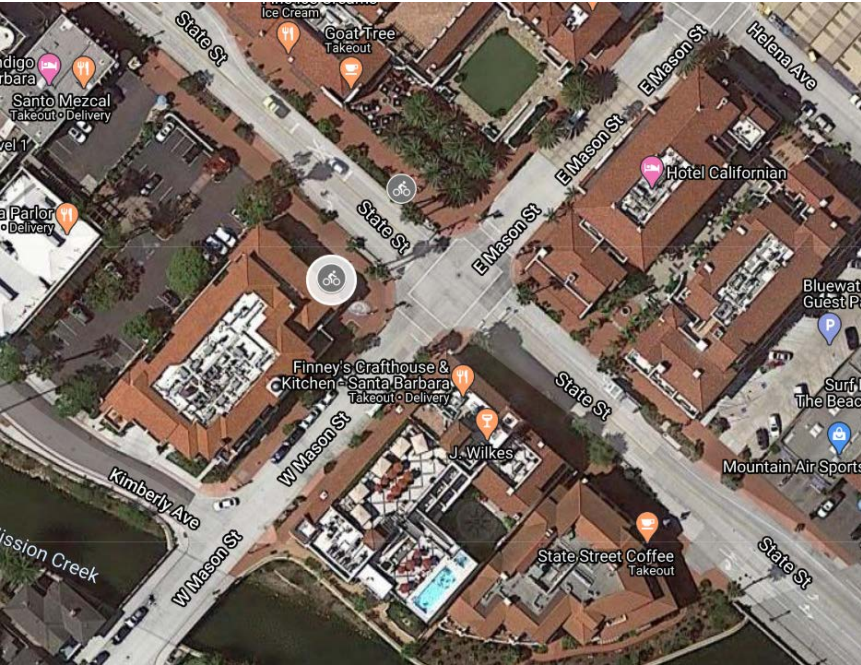


**ADDITIONAL PROPOSED SITES WITH MORE
THAN SIX DOCKS**

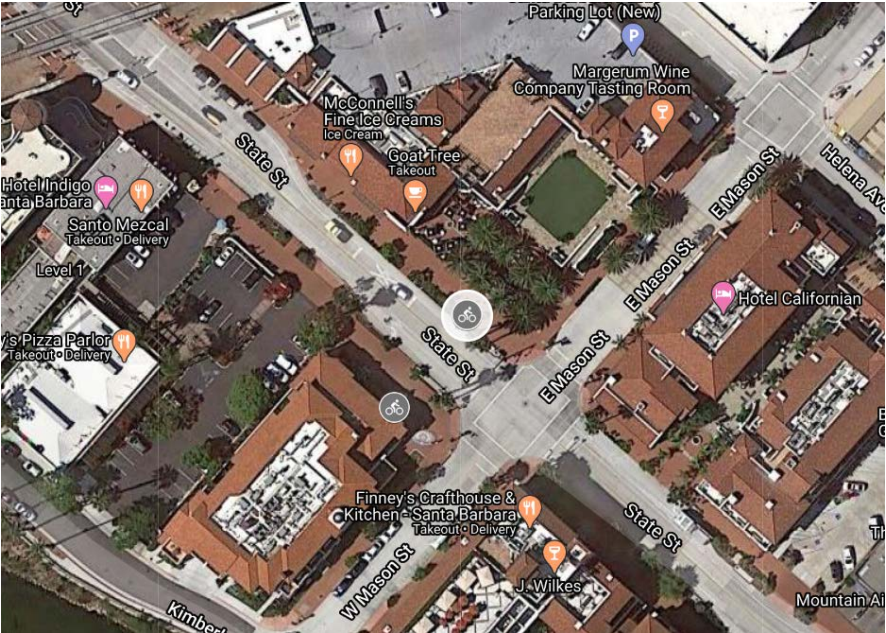
Exhibit A: ABR - 8-24-20 Site Plan Presentation

1. Finney's
2. Goat Tree
3. Amtrak Station
4. MTD Transit Center

12. Finney's
Station size: 24' x 5'8" (13'6 backup)
Station type: 3.0, 8 docks



13. Goat Tree
Station size: 37' x 5'8" (10' backup)
Station type: 3.0, 8 docks

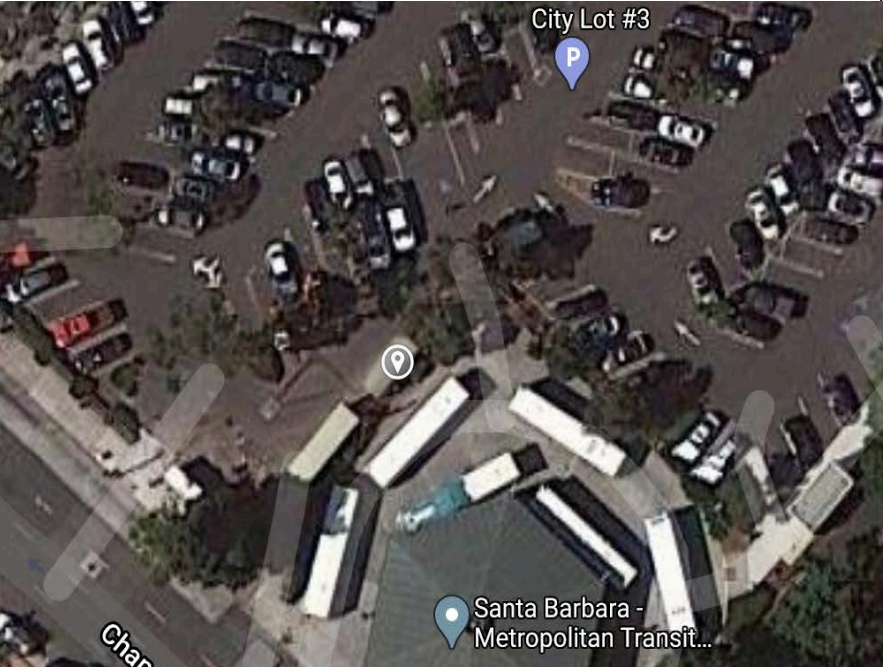


14. Amtrak Station

Station type: 3.0, 8 docks



15. MTD Transit Center
Available station size: 14'x8'
Station type: 3.0, 6 docks
Notes: utility access boxes in area



**SANTA BARBARA BCYCLE PILOT
BIKE SHARE PROGRAM:
COASTAL DEVELOPMENT PERMIT**



Exhibit B: PC- 11-19-20 Site Plan Presentation



Exhibit B: PC- 11-19-20 Site Plan Presentation

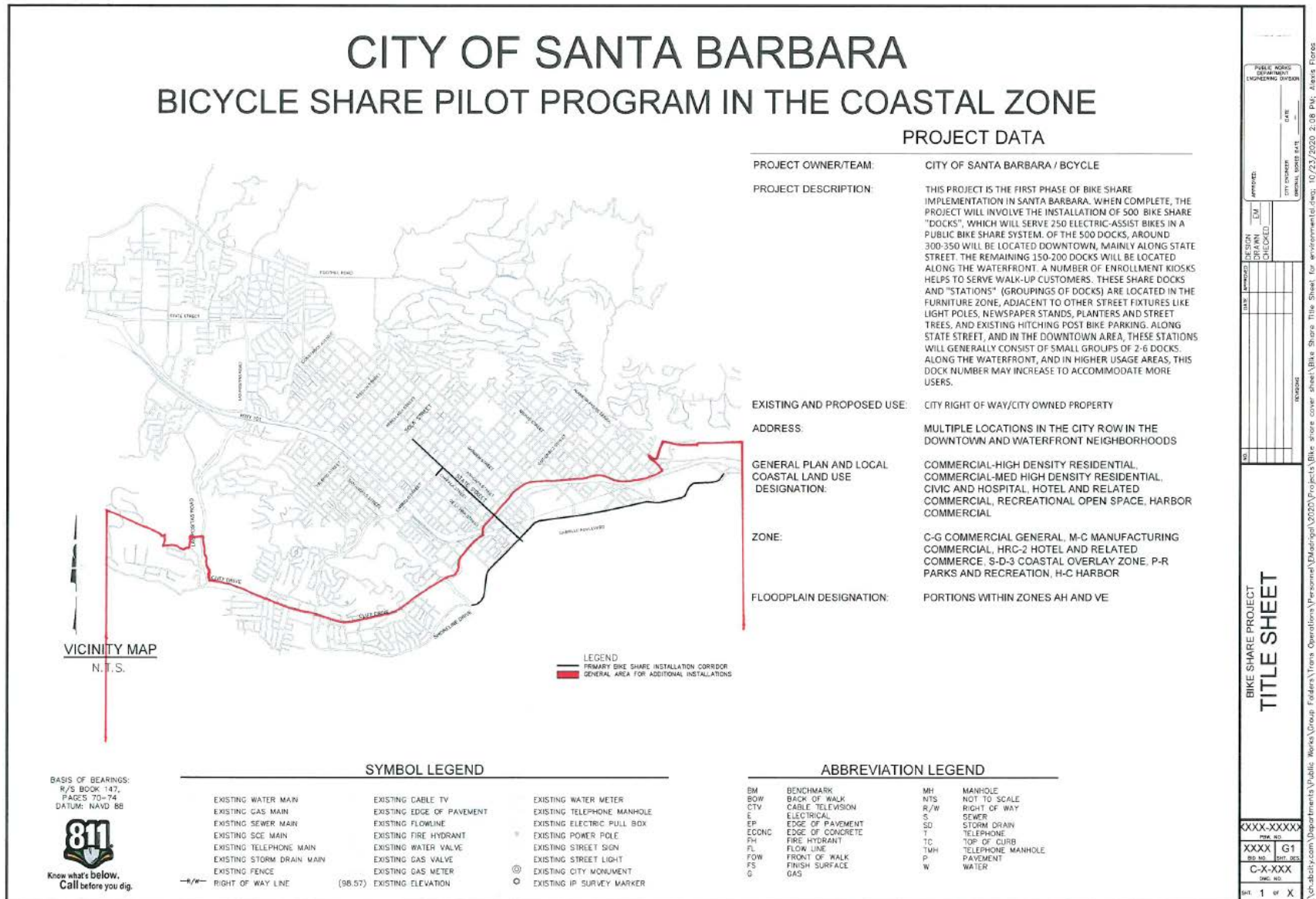


Exhibit B: PC- 11-19-20 Site Plan Presentation

MAP SHOWING PROPOSED PROJECT AREA IN THE COASTAL ZONE

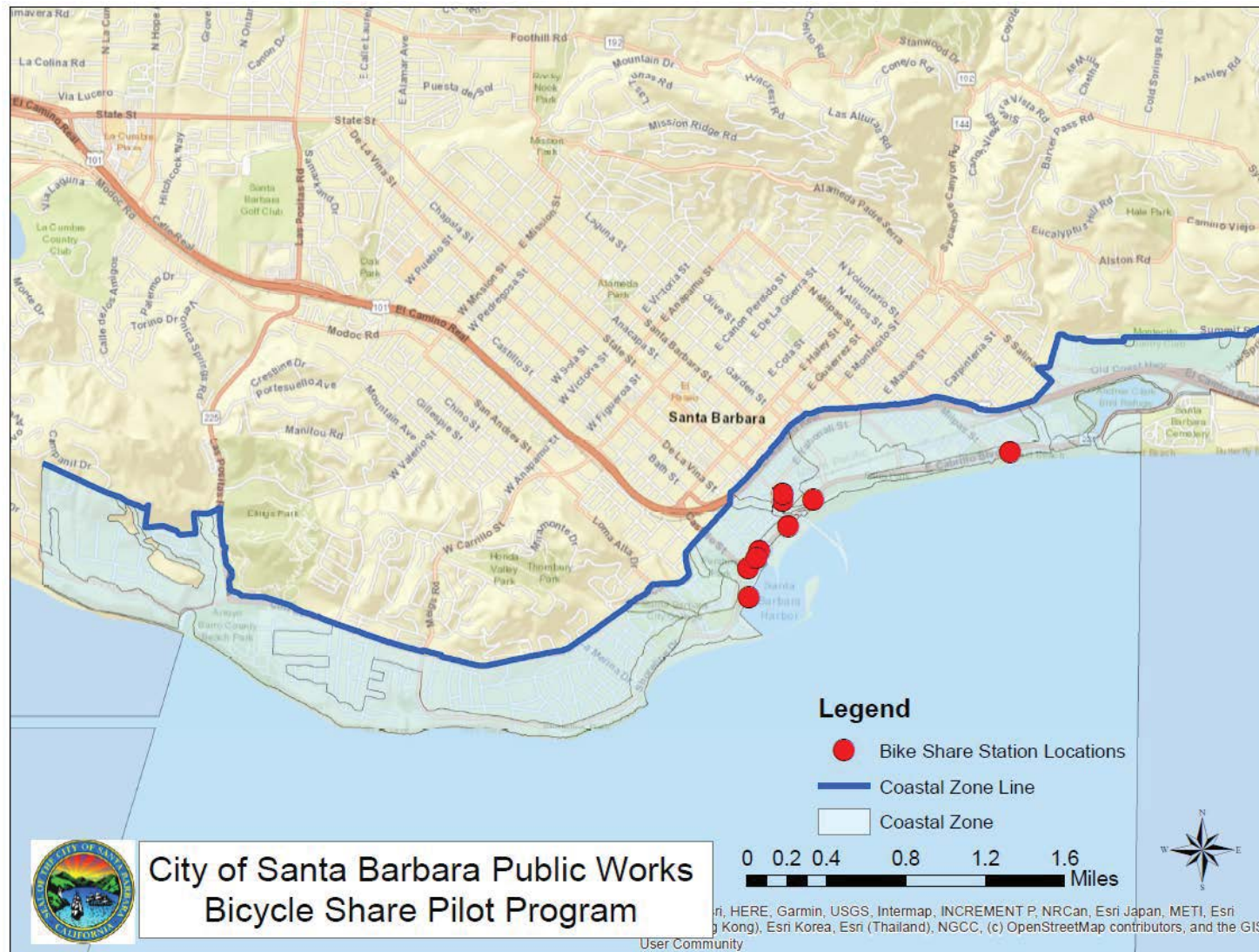


Exhibit B: PC- 11-19-20 Site Plan Presentation

MAP SHOWING PROPOSED "TYPICAL" INSTALLATIONS IN THE COASTAL ZONE

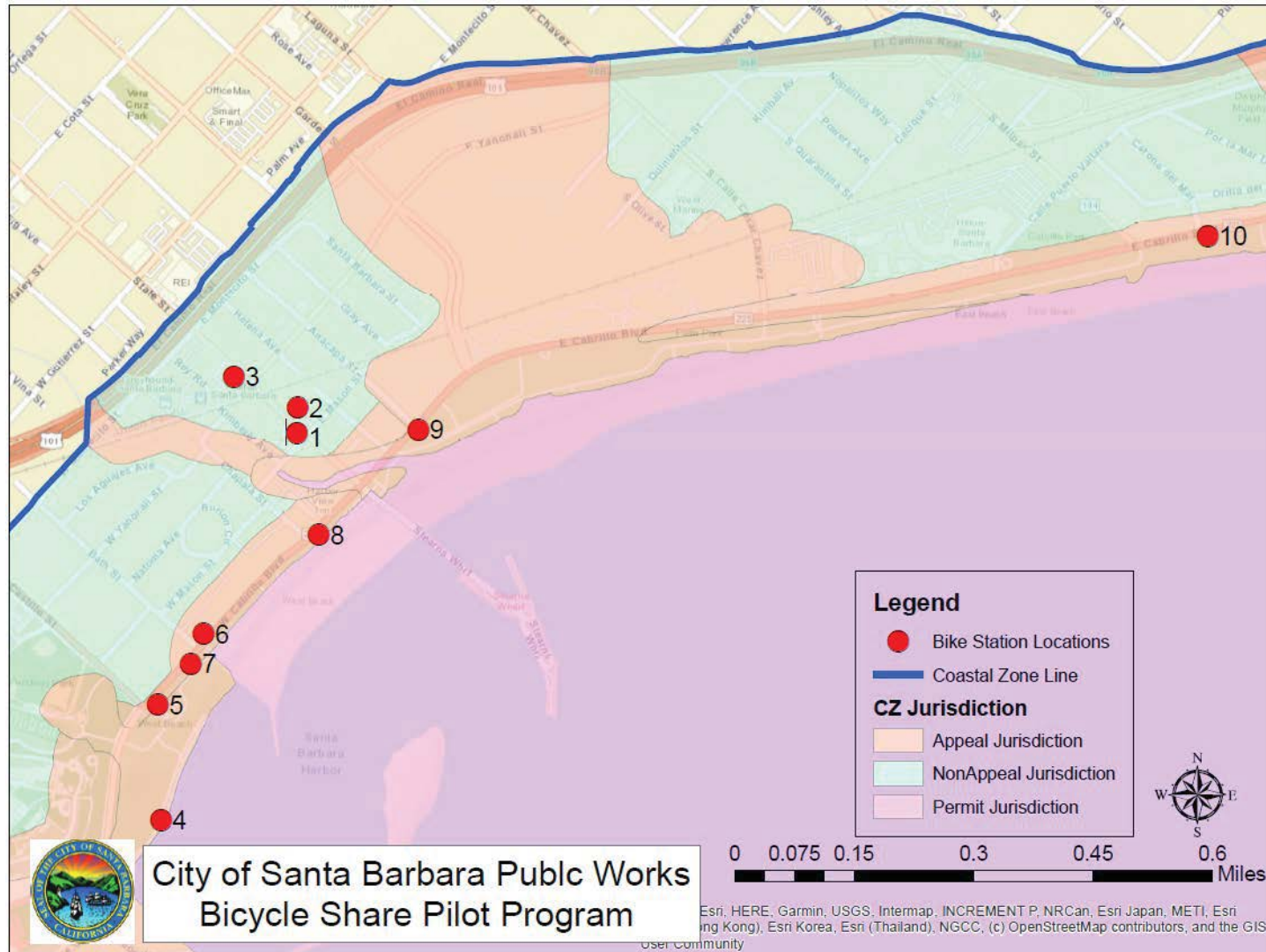


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Through Pedestrian Zone, 2006 PMP

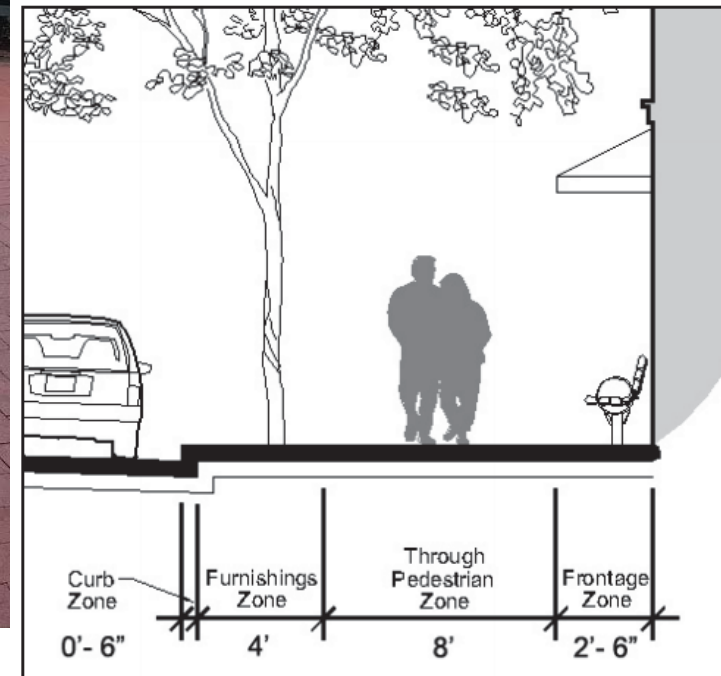


Exhibit B: PC- 11-19-20 Site Plan Presentation

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IN THE FOLLOWING
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- Station Dimensions
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- Install Basics
- Station Mockups

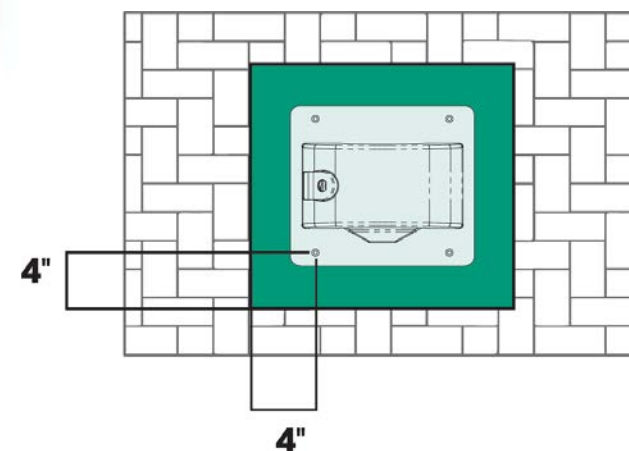
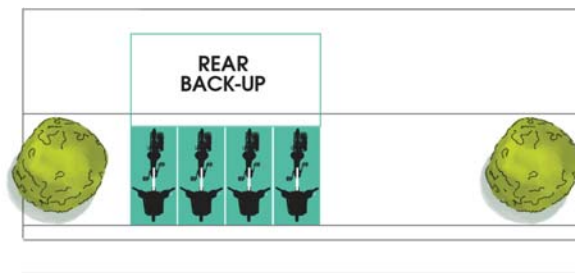
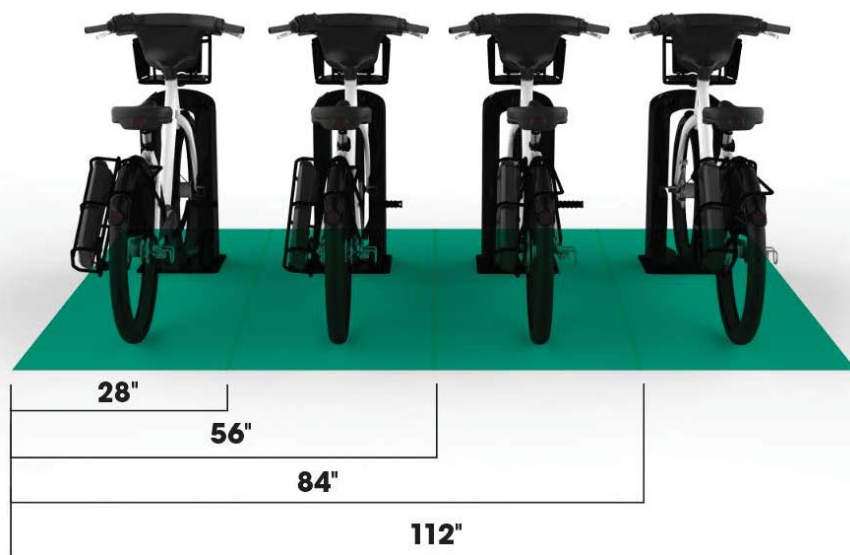


Exhibit B: PC- 11-19-20 Site Plan Presentation

3.0 STATION - INSTALL DIMENSIONS

STATION DEPTH:

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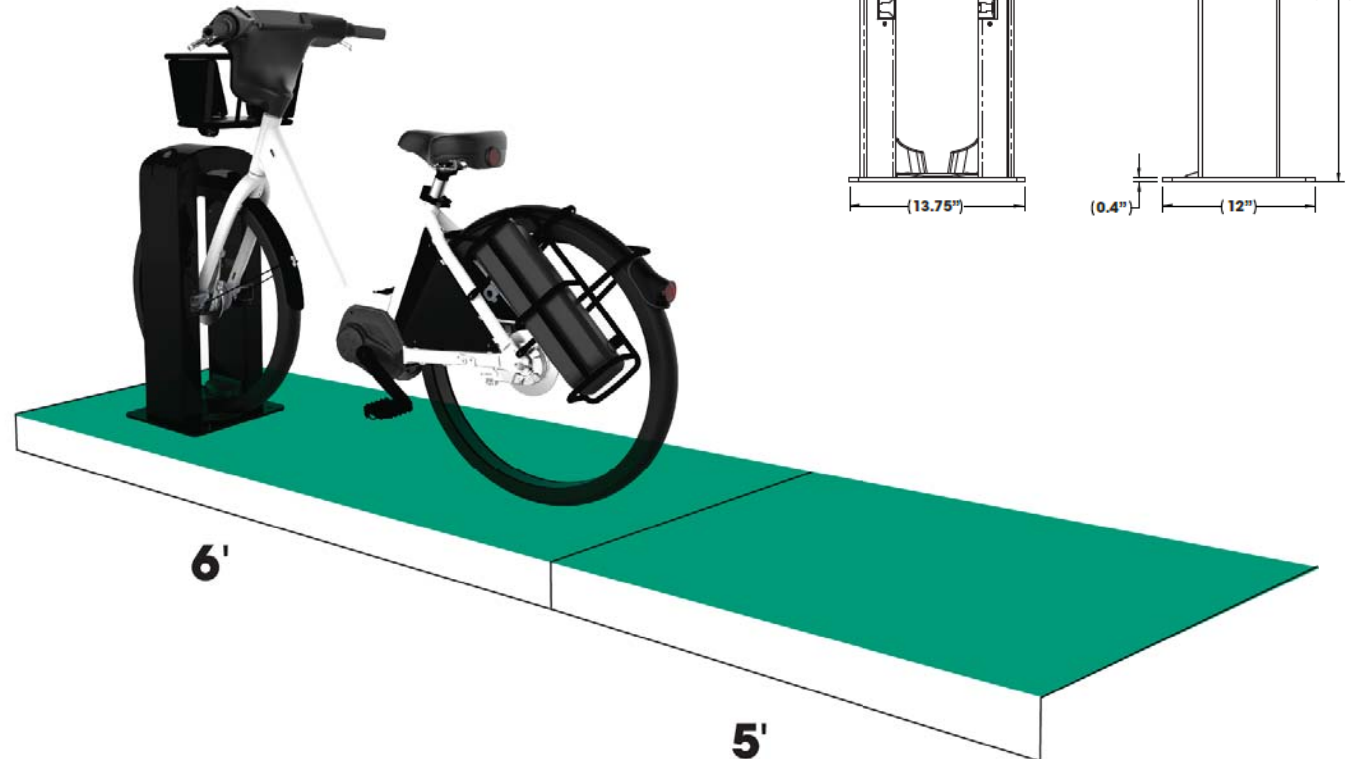


Exhibit B: PC- 11-19-20 Site Plan Presentation

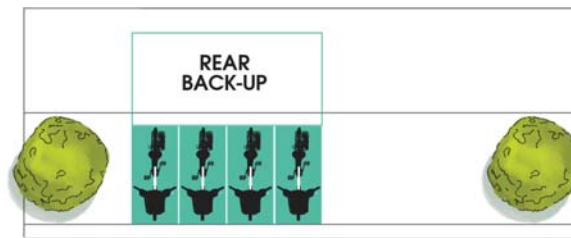
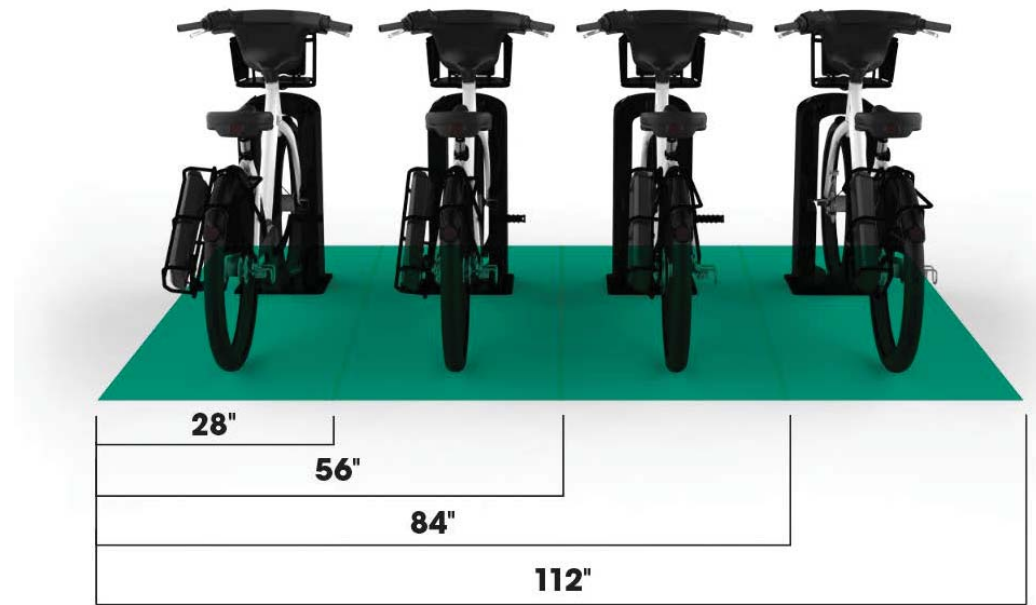
3.0 STATION - INSTALL DIMENSIONS

WITHOUT BASE PLATES:

- Length: 6' based on size of bike
- Width: 28" (handlebar width)

SPACING AND THROUGH ZONE:

- Docks need to be spaced 30" apart
- Allow 5ft backup zone from the back of the bike
- Rule of thumb: Need a 11ft area (~6 from the front of the bike to the end of the backup zone)
- Installations should avoid possible impediments on either side of handlebars (street lights, trash receptacles, etc.)
- Installations should maintain Pedestrian Through Zone
- Leave approximately 3 feet on either side of dock to allow people to walk through



QUICK KEY

STATION WIDTH

# OF DOCKS	MIN. WIDTH
1	28" (2 1/3')
2	56" (4 2/3')
3	84" (7')
4	112" (9 1/3')
5	140" (11 2/3')
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8	224" (18 2/3')

Exhibit B: PC- 11-19-20 Site Plan Presentation

3.0 STATION - INSTALL DIMENSIONS

ANGLED STATION DEPTH (SPACE SAVER)

- Docks can be rotated 22.5 degrees to reduce footprint depth by 4-5".

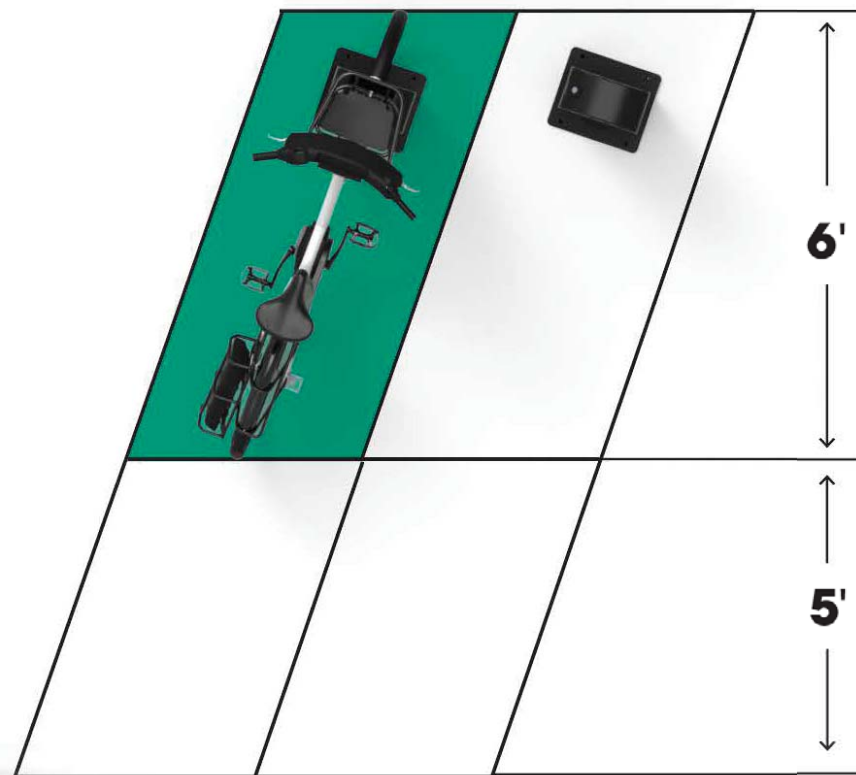
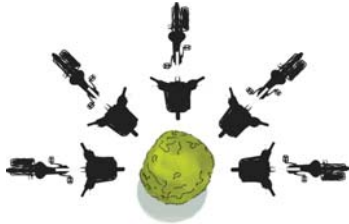


Exhibit B: PC- 11-19-20 Site Plan Presentation

3.0 STATION CONFIGURATIONS



QUICK KEY

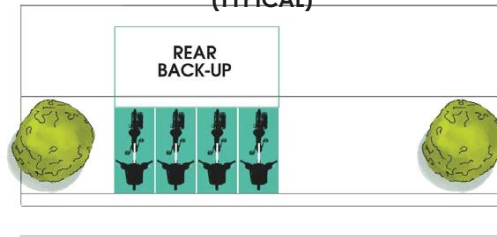
STATION WIDTH

# OF DOCKS	MIN. WIDTH
1	28" (2 1/3')
2	56" (4 2/3')
3	84" (7')
4	112" (9 1/3')
5	140" (11 2/3')
6	168" (14')
7	196" (16 1/3')
8	224" (18 2/3')

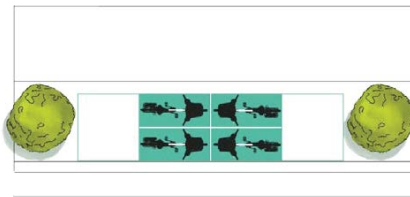
STATION DEPTH:

The depth of the dock with a bike is 6'
5 foot minimum needed
behind the bike for the rear
back up zone

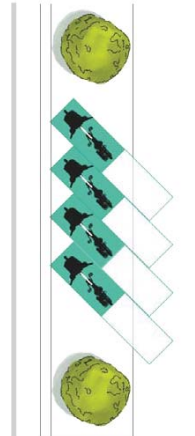
PERPENDICULAR TO STREET (TYPICAL)



PARALLEL TO STREET (ATYPICAL)



45° TO STREET (SPACE SAVER)



LARGER 3.0 STATIONS COULD SERVE AS GREAT LOCATIONS FOR THE ENROLLMENT KIOSKS

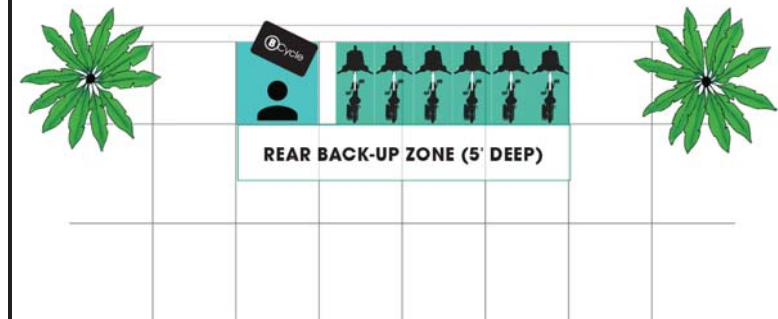


Exhibit B: PC- 11-19-20 Site Plan Presentation

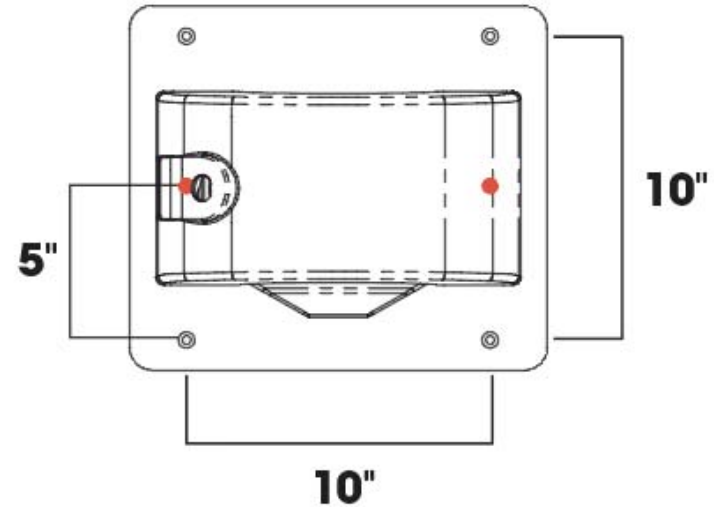
3.0 STATION – INSTALL BASICS



TOOLS:

- T25 security torx hand driver
- T27 security torx impact bit
- 3/16" x 10" SDS+ masonry bit
- M18 Fuel SDS+ Rotary Hammer*
- M18 Fuel 2spd impact driver

* We Strongly recommend the use of a "Rotary Hammer" over a "Hammer Drill" due to its harder preforming Hammer aspect, cutting drill time in half.



INSTALLING INTO CONCRETE:

There are 4 external holes that are equally spaced out by 10"

In **red**, you will find two additional hidden holes (within the leg) that can be used for added security but are not required.

Exhibit B: PC- 11-19-20 Site Plan Presentation

3.0 STATION – INSTALL BASICS



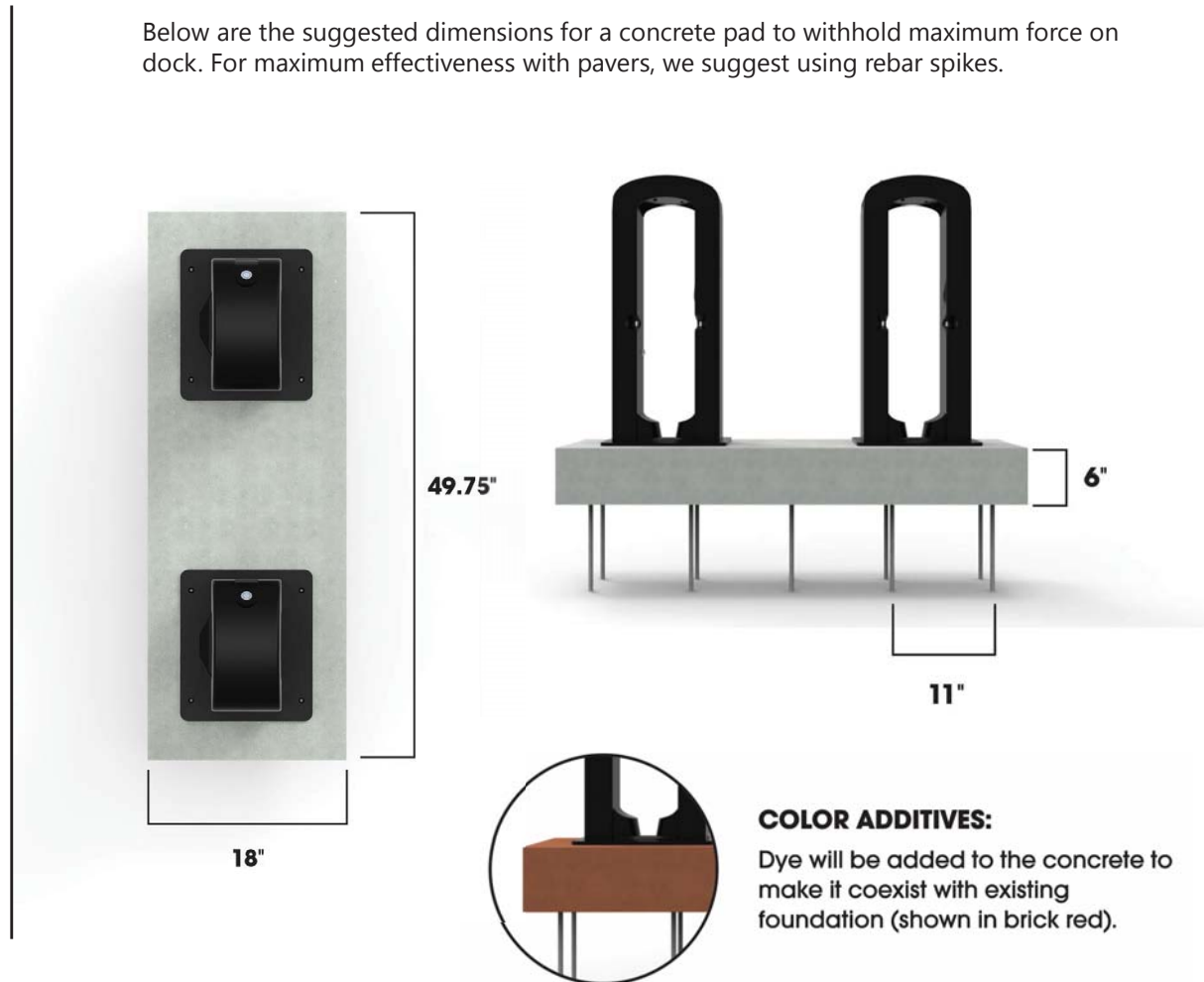
INSTALLING INTO PAVERS/ASPHALT:

The only difference here is that you will need to pour concrete pads*. BCycle suggests offsetting the pad at least 4" from the mounting holes to ensure the concrete won't crumble around the edges (See diagram to the right).

*We highly recommend using a concrete that meets or exceeds 2500 psi.

SUGGESTED CONCRETE PAD SPEC'S:

Below are the suggested dimensions for a concrete pad to withhold maximum force on dock. For maximum effectiveness with pavers, we suggest using rebar spikes.



COLOR ADDITIVES:

Dye will be added to the concrete to make it coexist with existing foundation (shown in brick red).

Exhibit B: PC- 11-19-20 Site Plan Presentation

STATE STREET: EXAMPLE STATIONS



Exhibit B: PC- 11-19-20 Site Plan Presentation

STATE STREET: EXAMPLE STATIONS



Exhibit B: PC- 11-19-20 Site Plan Presentation

TEMPORARY STATE STREET EXAMPLE STATIONS

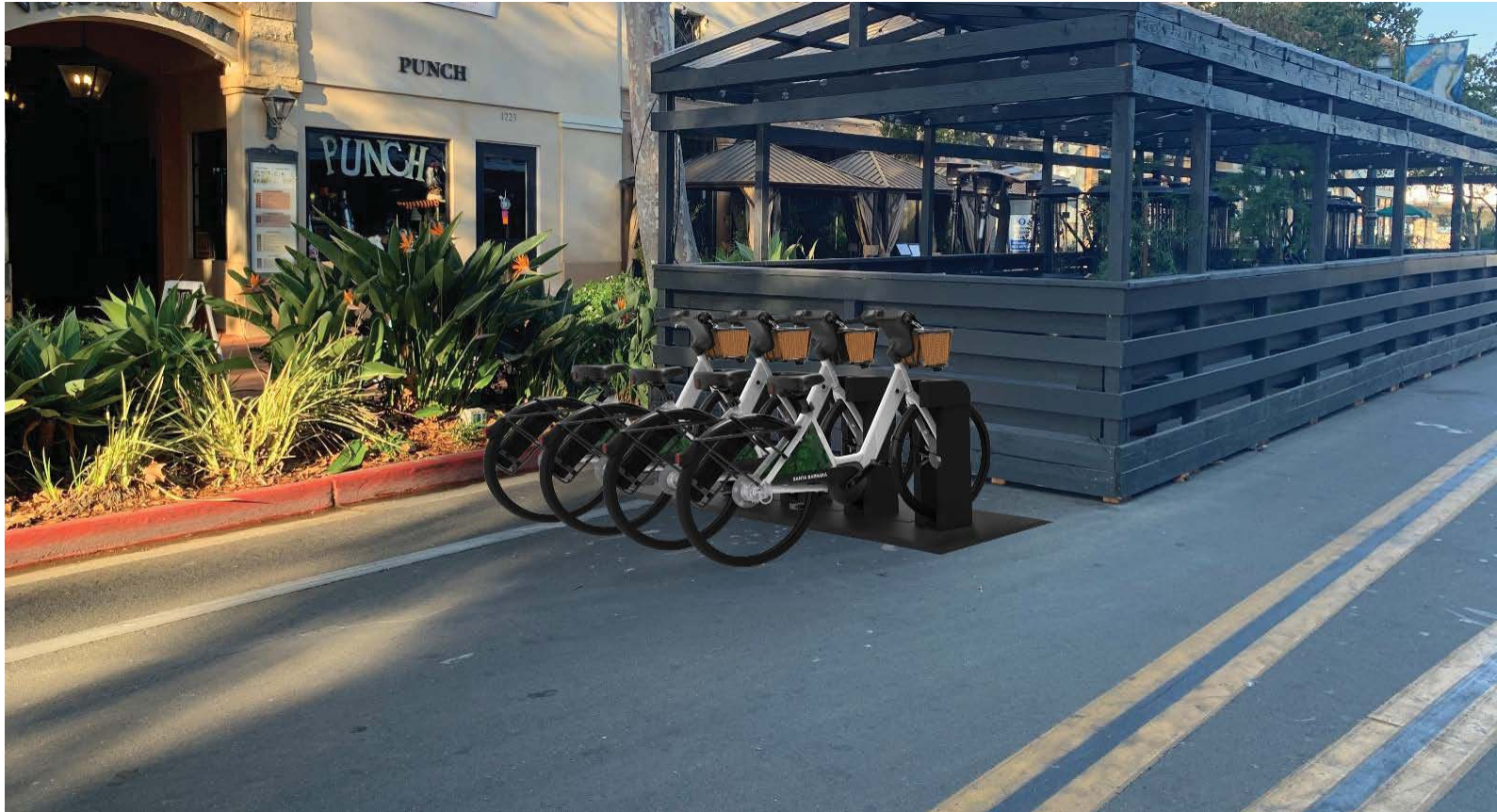


Exhibit B: PC- 11-19-20 Site Plan Presentation

TEMPORARY STATE STREET EXAMPLE STATIONS



Exhibit B: PC- 11-19-20 Site Plan Presentation

VINYL WRAPPED 1.0 STATION



Exhibit B: PC- 11-19-20 Site Plan Presentation

VINYL WRAPPED 1.0 STATION



Exhibit B: PC- 11-19-20 Site Plan Presentation

WATERFRONT: EXAMPLE 1.0 STATION



Exhibit B: PC- 11-19-20 Site Plan Presentation

PROPOSED “TYPICAL” INSTALLATIONS IN THE COASTAL ZONE

1. Harbor View Inn (North)
2. Goat Tree
3. Amtrak Station
4. Santa Barbara Harbor
5. Cabrillo and Castillo
6. Hotel Milo/Chad's (North Cabrillo Option)
7. Cabrillo and Bath
8. Cabrillo and Chapala

9. Cabrillo/Anacapa (Skater's Point)
10. Cabrillo West Lot

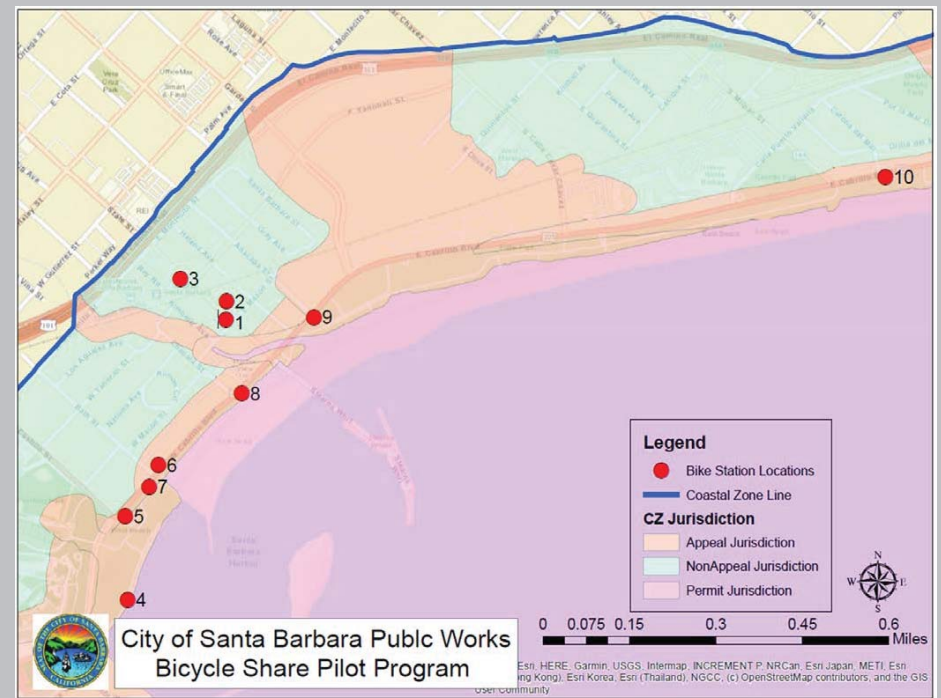


Exhibit B: PC- 11-19-20 Site Plan Presentation

1. Harbor View Inn (North)

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

~101 State St, Santa Barbara, CA 93101

Lat: 34.413119

Long: -119.690622

Notes:

Area from cabinet to arch is 27'

Adjacent to other bike parking (hitching posts)

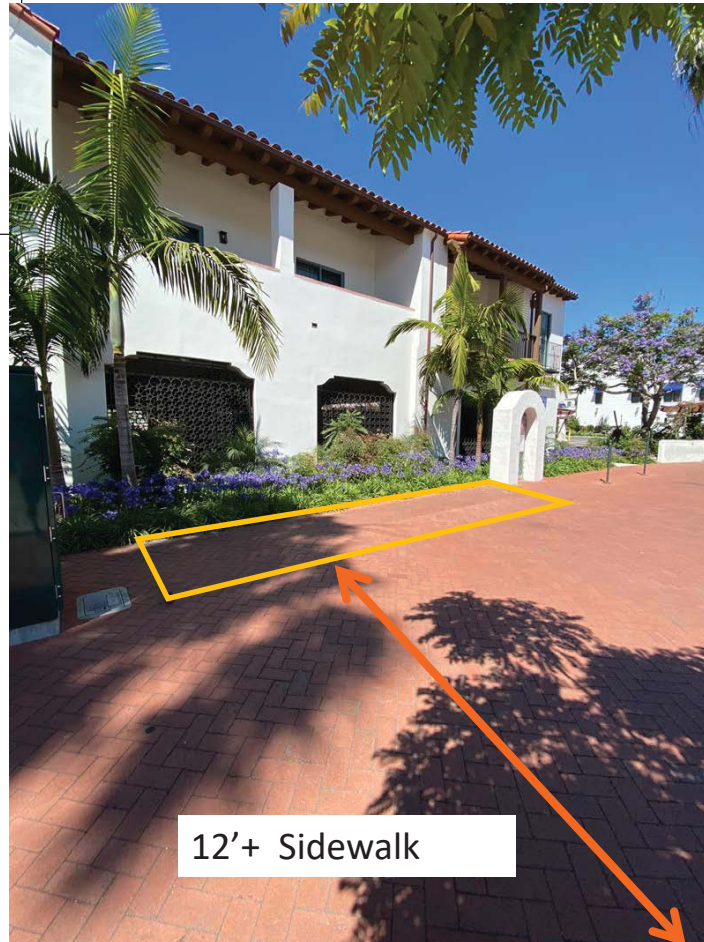
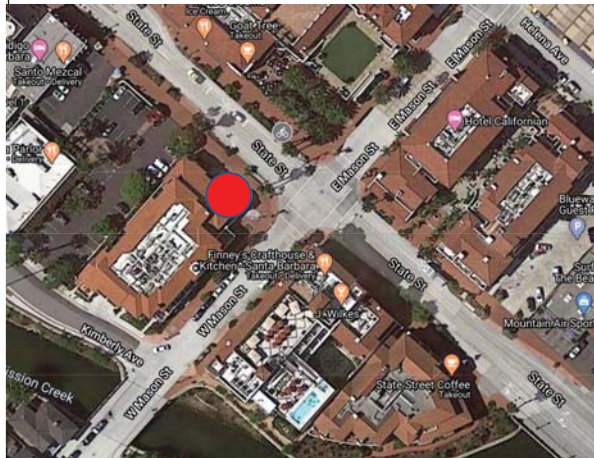


Exhibit B: PC- 11-19-20 Site Plan Presentation

2. Goat Tree

Station size: 6' x 20' (10' backup)
Station type: 3.0, up to 8 docks
~111 State St, Santa Barbara, CA 93101
Lat: 34.41358
Long: -119.690615

Notes:

Adjacent to other bike parking (hitching posts)

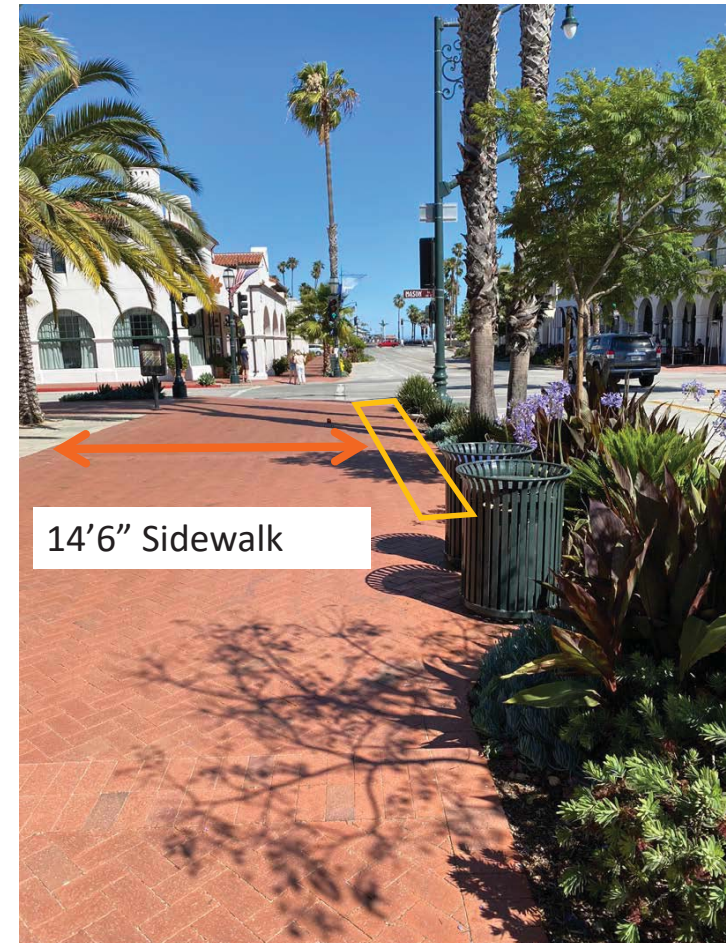
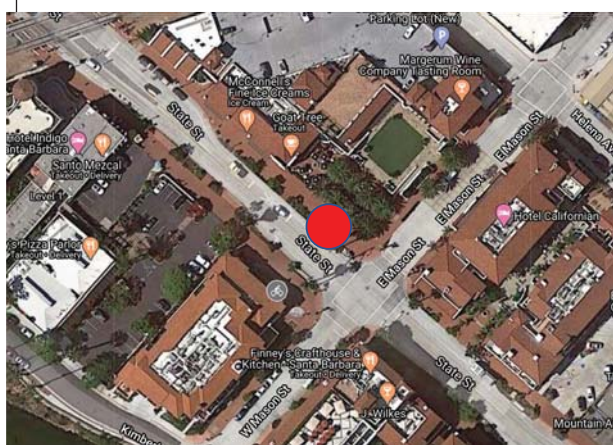


Exhibit B: PC- 11-19-20 Site Plan Presentation

3. Amtrak Station

Station size: 6' x 20' (10' backup)

Station type: 3.0, up to 8 docks

~209 State St, Santa Barbara, CA 93101

Lat: 34.414123

Long: -119.692022

Notes:

This installation will likely require flexible delineators, curbs, or other in-street devices for enhanced safety and visibility.

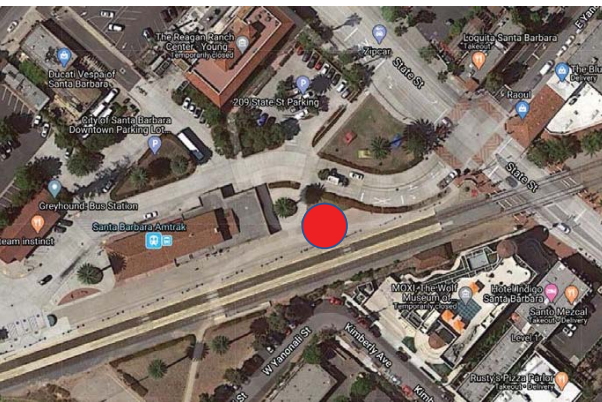


Exhibit B: PC- 11-19-20 Site Plan Presentation

4. Santa Barbara Harbor

Station size: 6' x 20' slab, Up to 60'

Station type: 1.0 or 3.0 single-sided **with kiosk**, up to 8 docks

Santa Barbara Harbor, Santa Barbara, CA 93109

Lat: 34.40602

Long: -119.69346

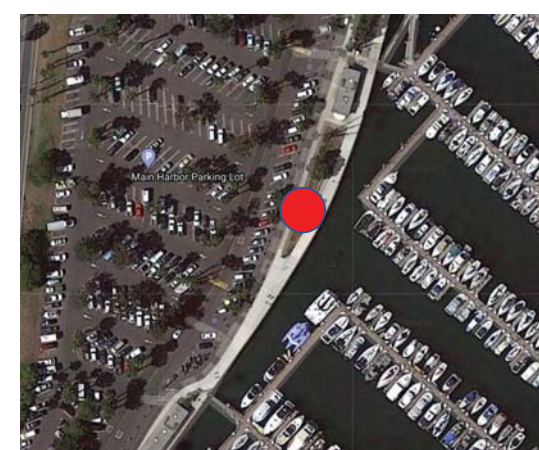


Exhibit B: PC- 11-19-20 Site Plan Presentation

5. Cabrillo and Castillo

Station size: 6' x 18' (10' backup)

Station type: 3.0 or 1.0, up to 7 docks

Cabrillo Blvd at Castillo St, Santa Barbara, CA 93101

Lat: 34.408118

Long: -119.693577

Notes:

Adjacent to MTD Stop

Highly visible

Adjacent to connector path to Harbor and Beachway

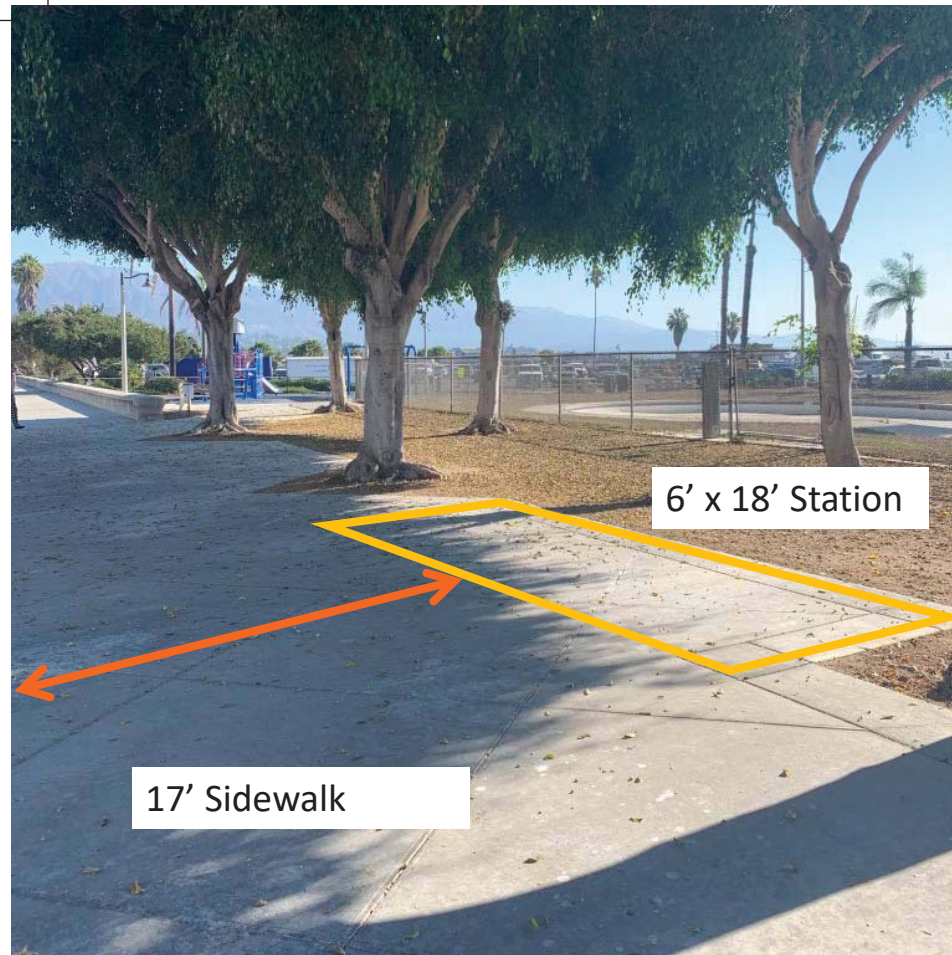


Exhibit B: PC- 11-19-20 Site Plan Presentation

6. Hotel Milo/Chad's (North of Cabrillo option)

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

232 W Cabrillo Blvd near Bath St, Santa Barbara, CA 93101

Lat: 34.409430

Long: -119.692599

Notes:

Close to other bike parking (hitching posts by Chad's)
Doesn't need 2' door zone from curb face (red curb zone)

Two potential locations:

West: ~20' between trees

East: 23'6" between trees

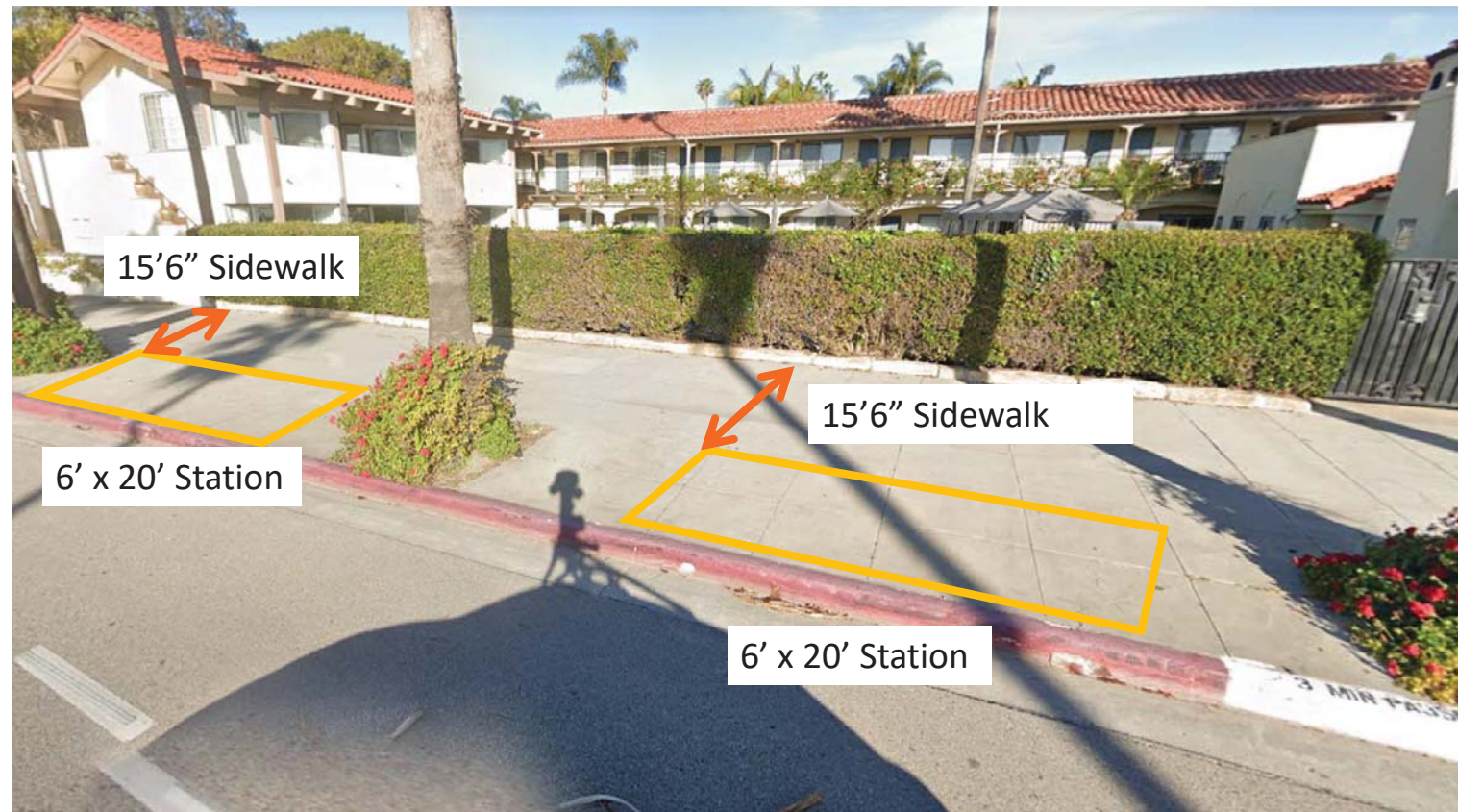


Exhibit B: PC- 11-19-20 Site Plan Presentation

7. Cabrillo and Bath

Station size: 6' x 20'

Station type: 3.0 or 1.0, up to 8 docks

Cabrillo Blvd at Bath St, Santa Barbara, CA 93101

Lat: 34.408880

Long: -119.692864

Notes:

Adjacent to other bike parking

Highly visible

Need 2' door zone from curb face

Area between trees is 24'

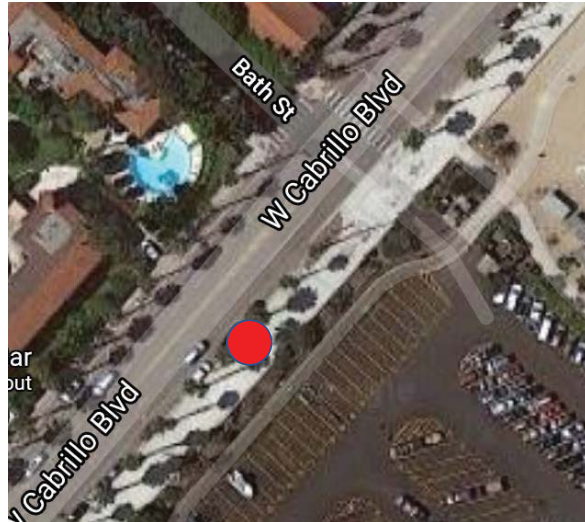


Exhibit B: PC- 11-19-20 Site Plan Presentation

8. Cabrillo and Chapala

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

99 W Cabrillo Blvd at Chapala St, Santa Barbara, CA 93101

Lat: 34.411269

Long: -119.690104

Notes:

Adjacent to other bike parking

Highly visible

Doesn't need 2' door zone from curb face (red curb zone)

Waterfront Shuttle Stop (adjacent location (East) has 20' clear for station as well)

Area between trees is 22'10"

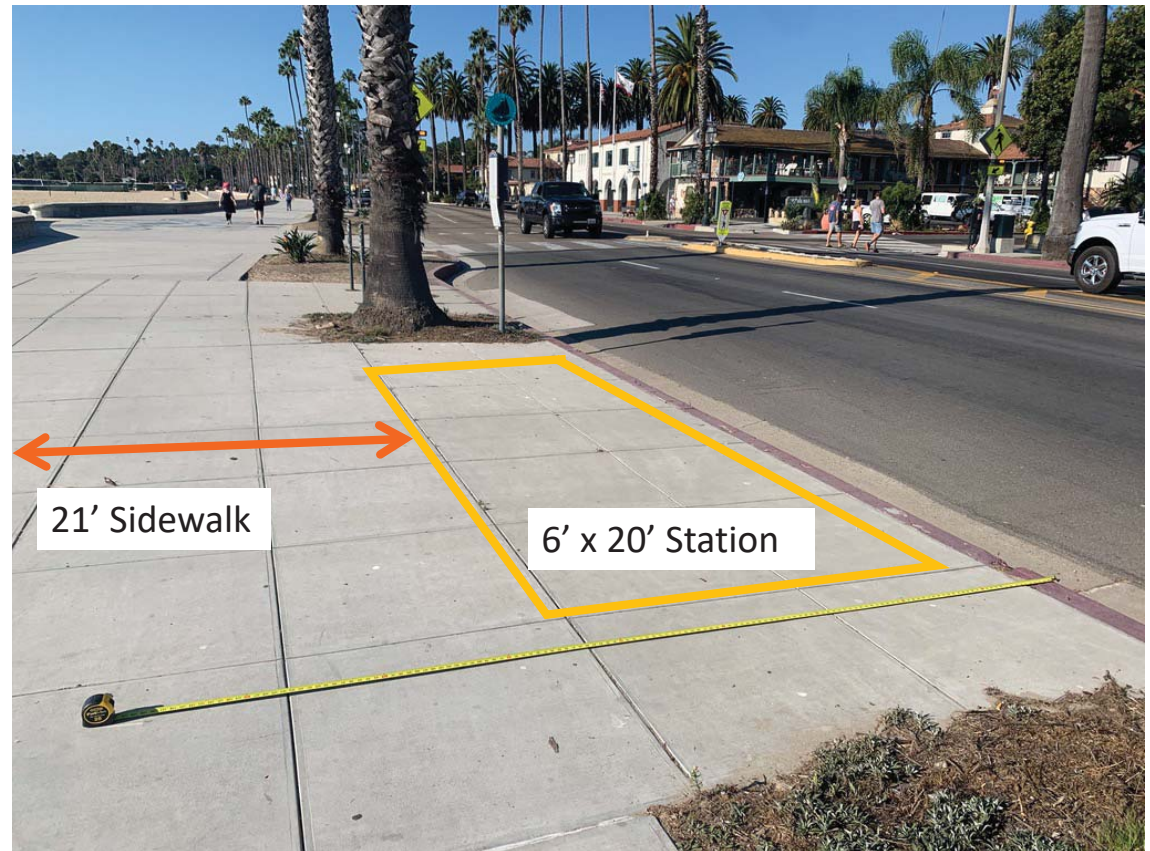
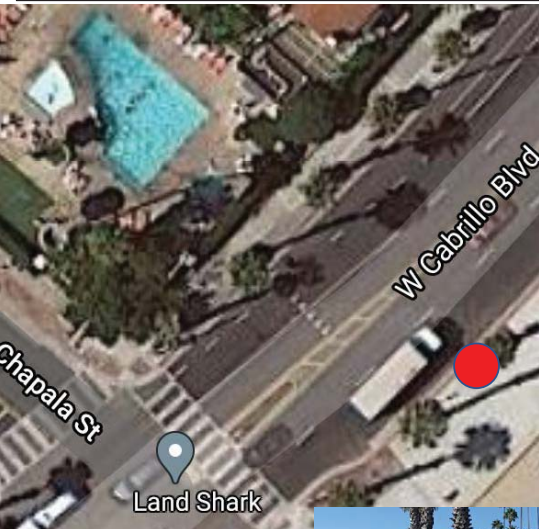


Exhibit B: PC- 11-19-20 Site Plan Presentation

9. Cabrillo/Anacapa (Skater's Point)

Station size: 6' x 20'

Station type: 3.0, up to 8 docks

E Cabrillo Blvd at Anacapa St, Santa Barbara, CA 93101

Lat: 34.413211

Long: -119.687951

Notes:

Close to skate park

Doesn't need 2' door zone from curb face (red curb zone)

Leaves buffer for Wheel Fun

30' available in curb extension

21' clear from intersection with sidewalk towards skate park to start of crosswalk apron (drawing not to scale)



Exhibit B: PC- 11-19-20 Site Plan Presentation

10. Cabrillo West Lot

Station size: 6' x 20'

Station type: 3.0 or 1.0 with **Kiosk**, up to 8 docks

E Cabrillo Blvd at Corona Del Mar, Santa Barbara, CA 93101

Lat: 34.416983

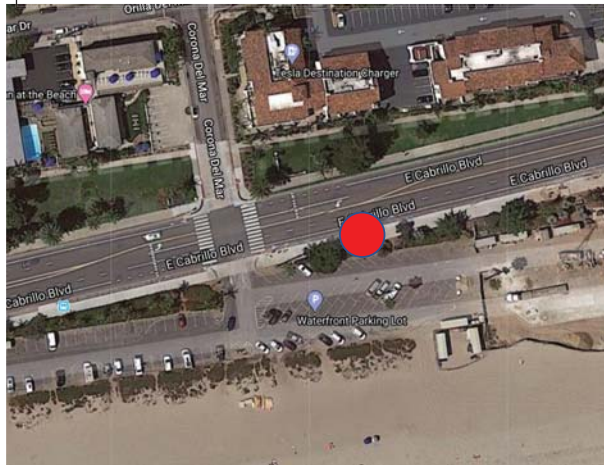
Long: -119.670666

Notes:

Adjacent to bench

No Parking area, does not require 2' door zone?

Area between bench and light pole is 50'+



6' x 20' Station



9' Sidewalk

Exhibit B: PC- 11-19-20 Site Plan Presentation

Exhibit C: Comparison of Site Location Presentations

Identical site locations proposed:

Location	ABR	HLC*	PC
Harbor View Inn (Finney's) (up to 8)	X	X	X
Goat Tree (up to 8)	X	X	X
Amtrak Station (up to 8)	X	X	X
Santa Barbara Harbor Lawn (up to 8 or 24?)	X	X	X
Hotel Milo/Chads (Mountain Side)	X	X	X
Cabrillo and Chapala (Ocean Side)	X	X	X
Cabrillo East Beach West Lot (Ocean Side)	X	X	X

Alternate site locations proposed:

Location	ABR	HLC*	PC
Ambassador Park	X	X	
Cabrillo and State (Ocean Side)	X	X	
Cabrillo and Castillo (Mountain Side)	X	X	
Santa Barbara Harbor Breakwater (up to 8)	X	X	
West Beach (Ocean Side)	X	X	
Cabrillo and Castillo (Ocean Side)			X
Cabrillo and Bath (Mountain Side)	X	X	
Cabrillo and Bath (Ocean Side)			X
Cabrillo and Anacapa (Mountain Side)	X	X	
Cabrillo and Anacapa (Ocean Side)			X

*The HLC did not review any of the locations in the Coastal Zone found in the presentations made by Staff on: August 5, 2020, September 2, 2020 or September 16, 2020.

**SANTA BARBARA BCYCLE
PILOT BIKE SHARE PROGRAM:
HISTORIC LANDMARKS COMMISSION
PROJECT DESIGN APPROVAL AND
FINAL APPROVAL**

S e p t e m b e r 1 6 , 2 0 2 0



3.0 STATION PLANNING

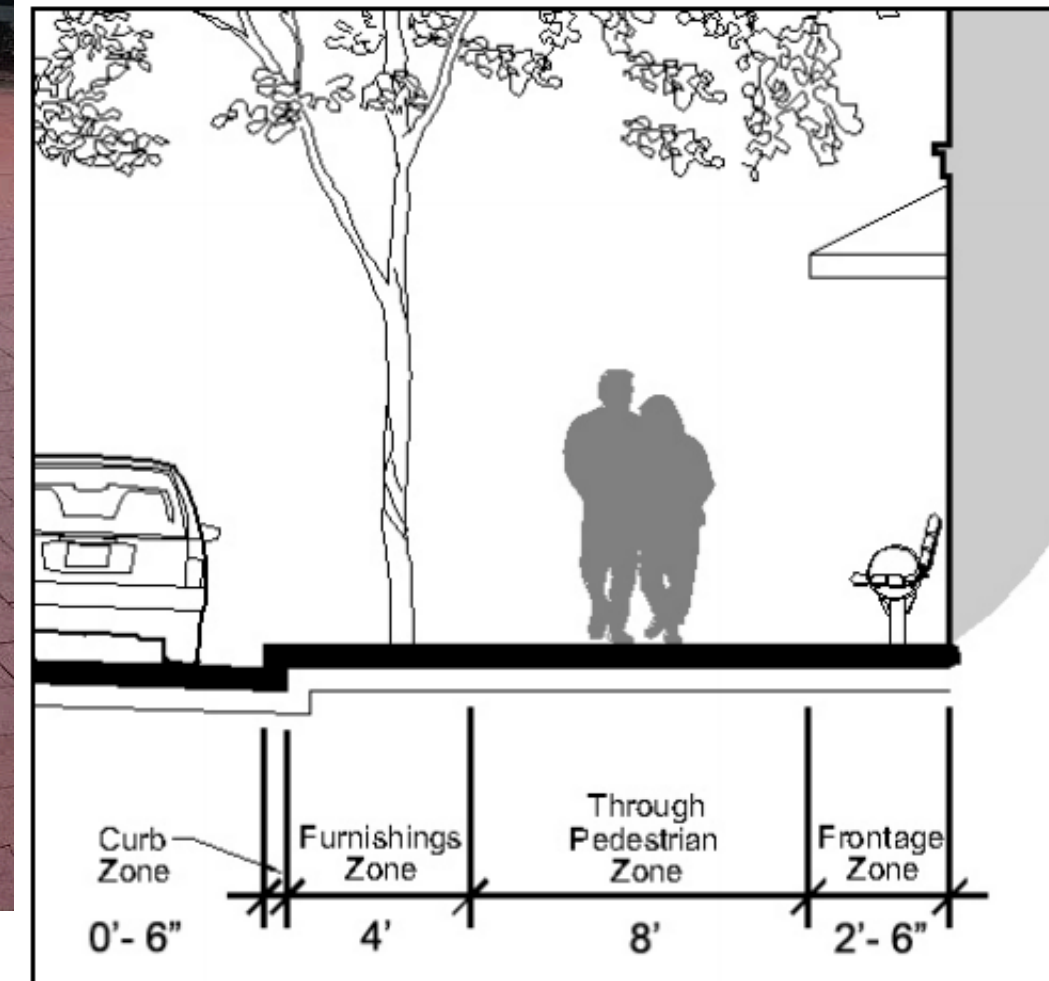


3.0 STATION PARAMETERS

- Siting Guidelines for Furniture Zone installation:
 - Minimum of 2 docks together
 - Minimum of 4 docks in immediate proximity (within 20 feet)
 - Stations within 1-2 minute walk to the next
- Project Scope:
 - 300-350 docks on State Street and in Downtown
 - 10 docks per block on State
 - 150-200 docks along the Waterfront



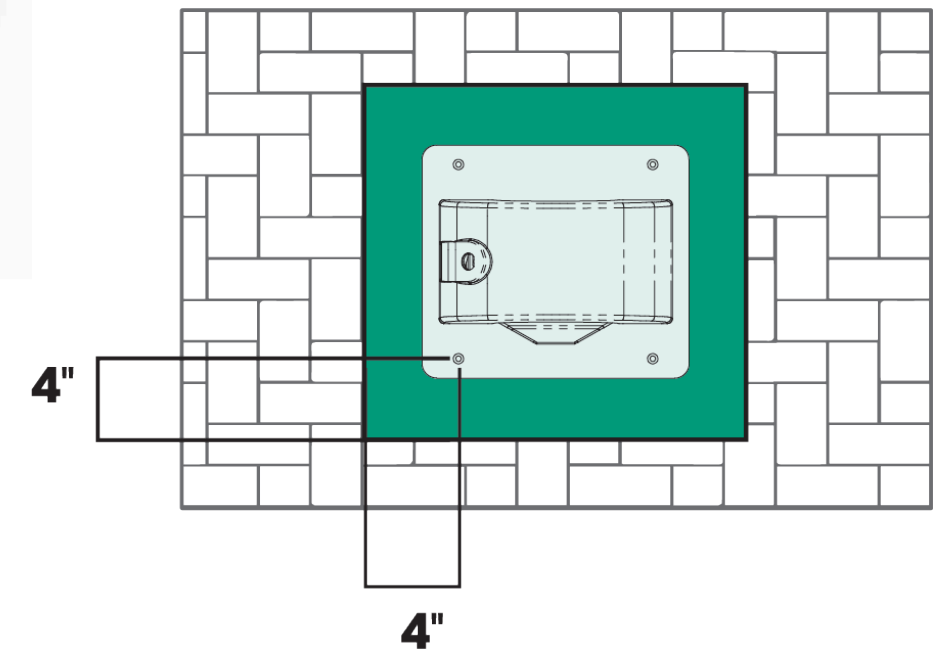
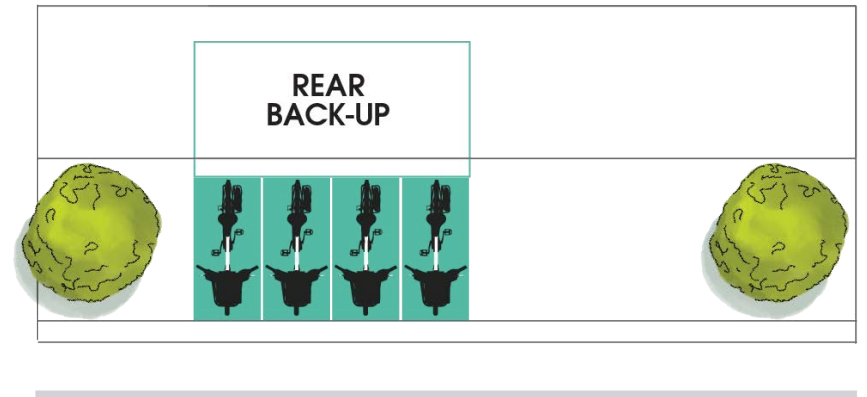
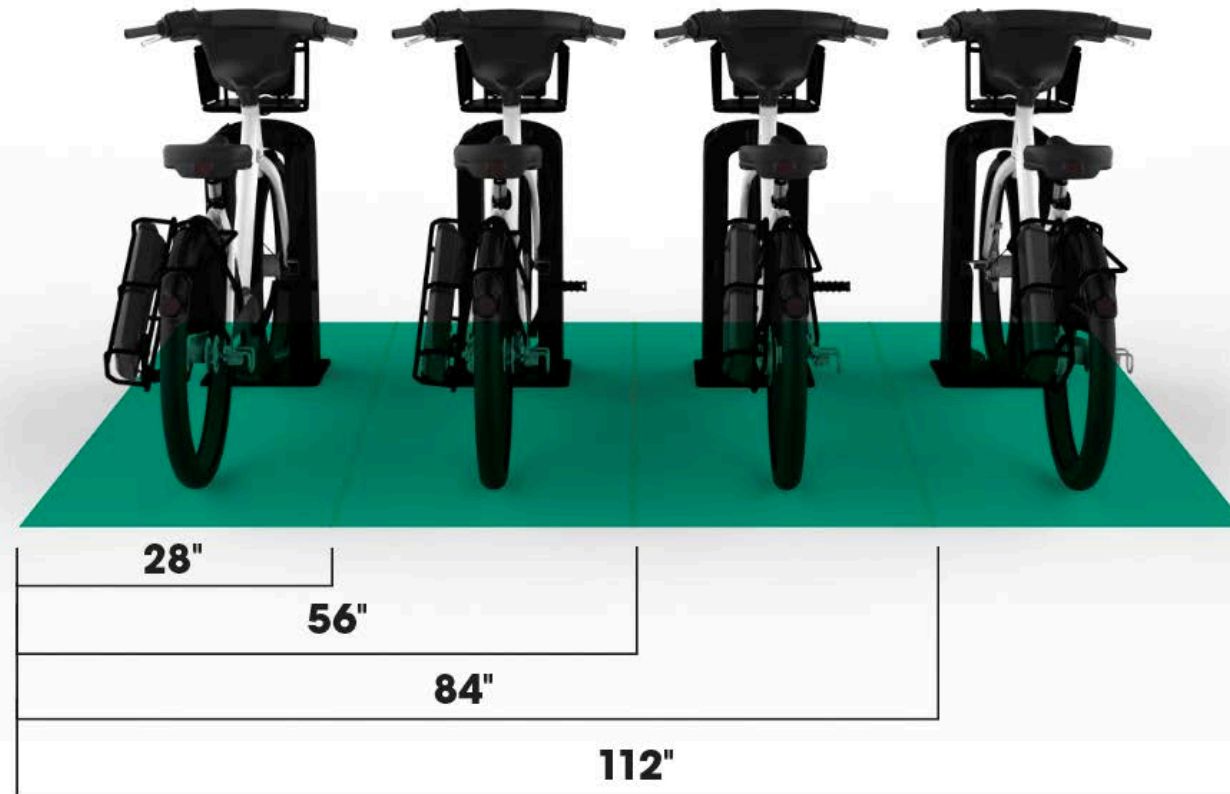
Through Pedestrian Zone, 2006 PMP



3.0 STATION PLANNING

IN THE FOLLOWING
PAGES WE WILL COVER:

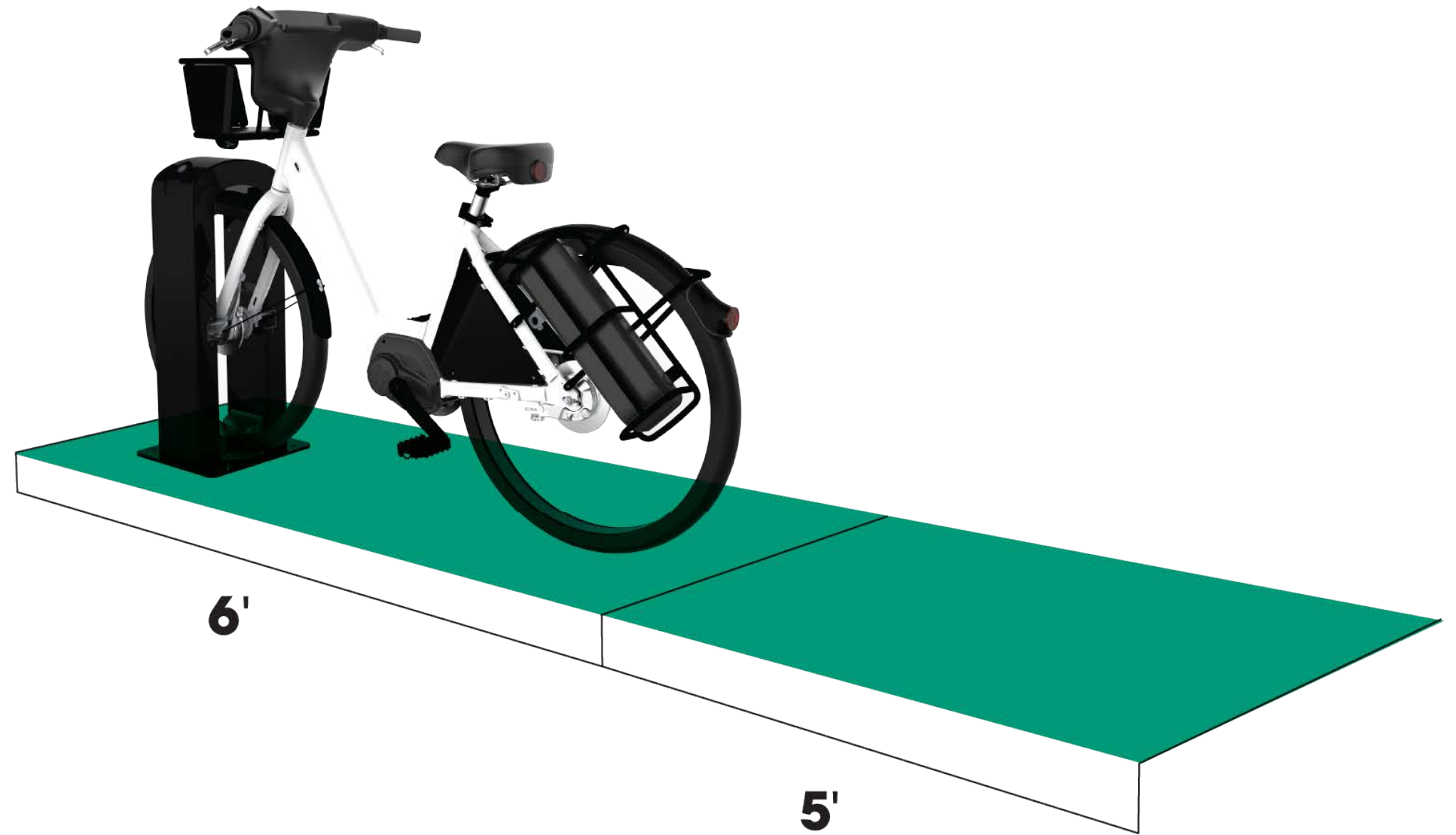
- Station Dimensions
- Install Dimensions
- Station Configurations
- Install Basics
- Station Mockups



3.0 STATION - INSTALL DIMENSIONS

STATION DEPTH:

- Single-sided stations must have at least 6' of space (this includes a 6" front tire overhang) plus a 5' back-up zone totaling 11'
- Double-sided stations must have at least 8'6" of space plus a recommended 5' back-up zone on each side totaling 16'6"



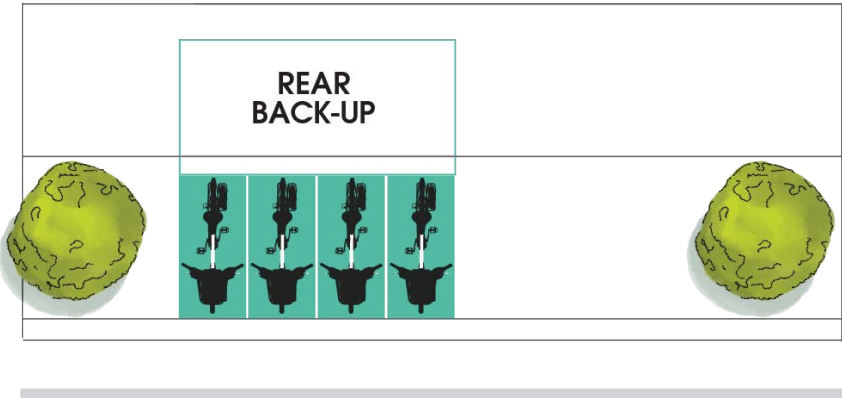
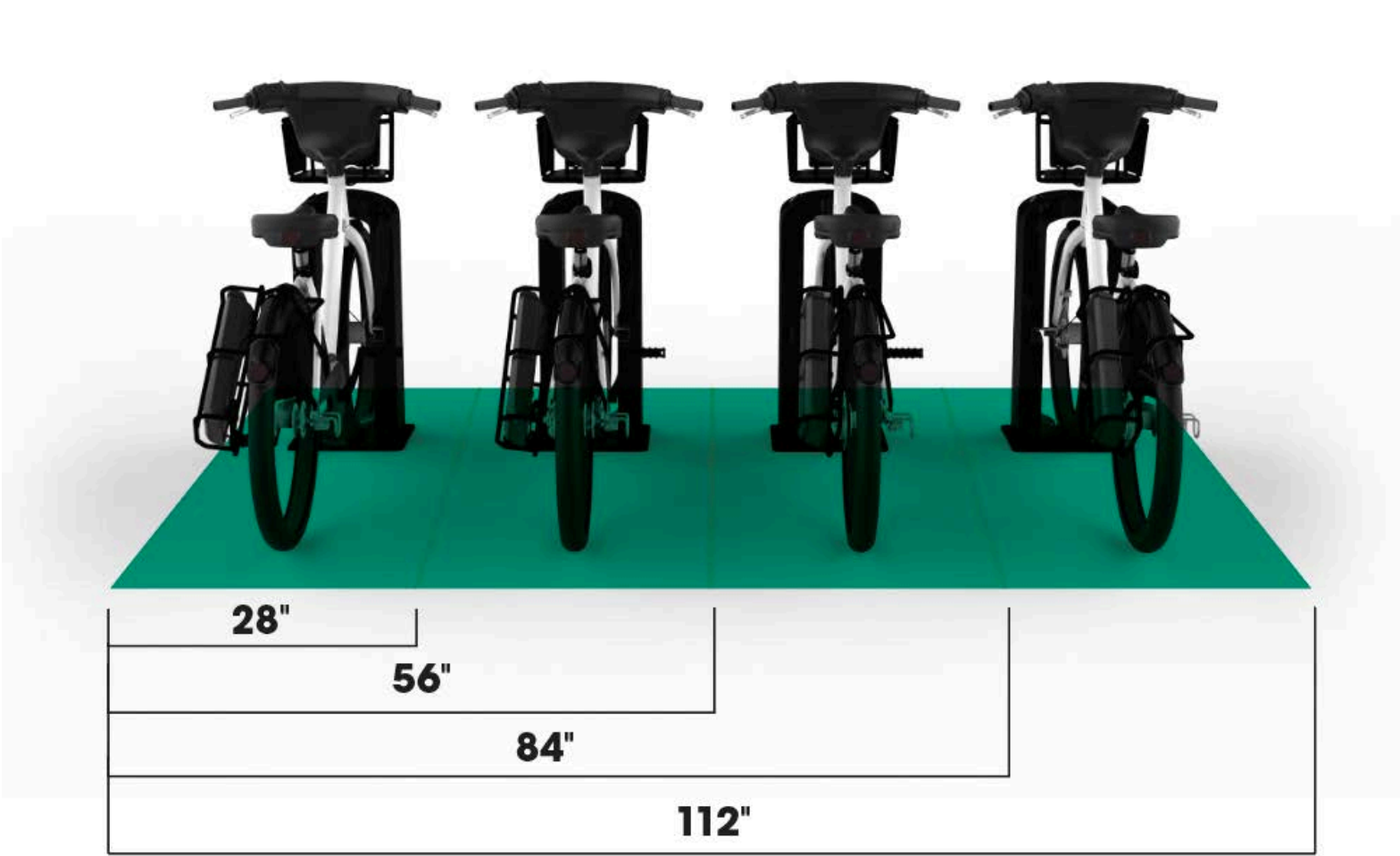
3.0 STATION - INSTALL DIMENSIONS

WITHOUT BASE PLATES:

- Length: 6' based on size of bike
- Width: 28" (handlebar width)

SPACING AND THROUGH ZONE:

- Docks need to be spaced 30" apart
- Allow 5ft backup zone from the back of the bike
- Rule of thumb: Need a 11ft area (~6 from the front of the bike to the end of the backup zone)
- Installations should avoid possible impediments on either side of handlebars (street lights, trash receptacles, etc.)
- Installations should maintain Pedestrian Through Zone
- Leave approximately 3 feet on either side of dock to allow people to walk through



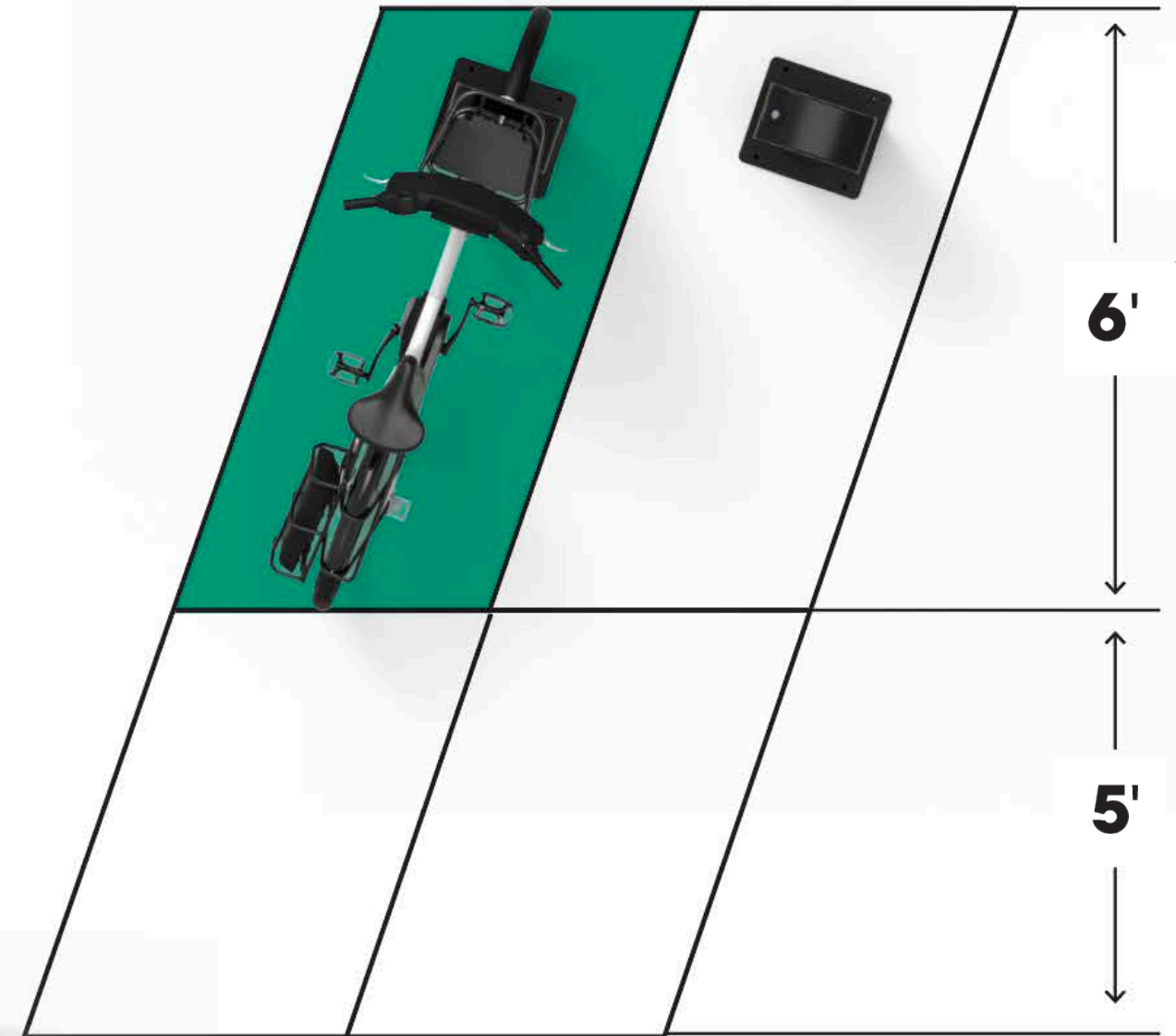
QUICK KEY

STATION WIDTH	
# OF DOCKS	MIN. WIDTH
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2	56" (4⅔')
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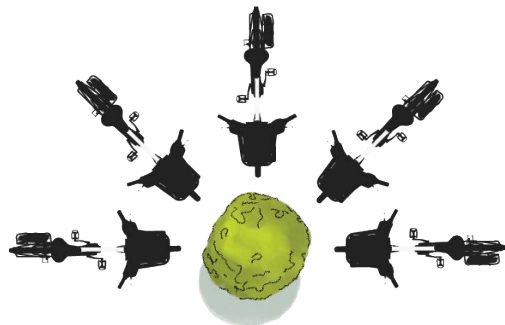
3.0 STATION - INSTALL DIMENSIONS

ANGLED STATION DEPTH (SPACE SAVER)

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3.0 STATION CONFIGURATIONS



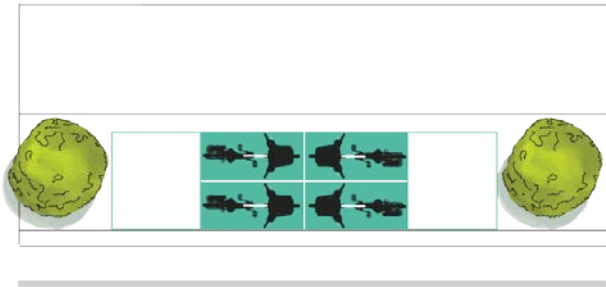
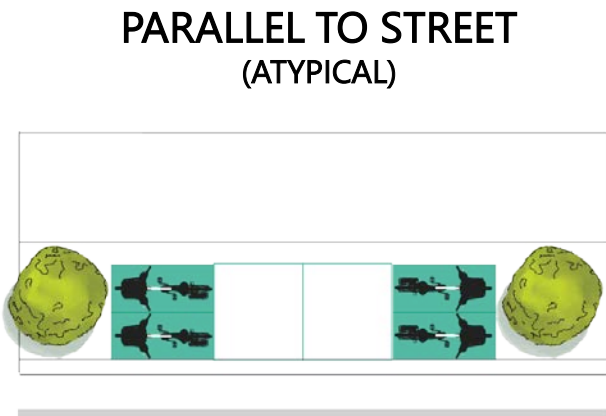
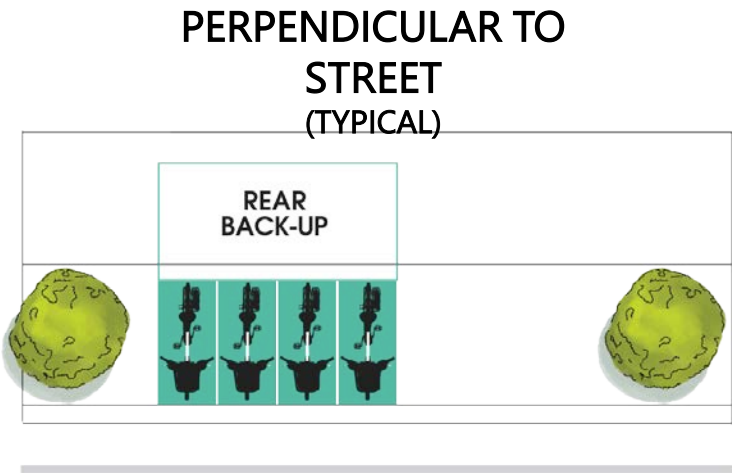
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STATION WIDTH

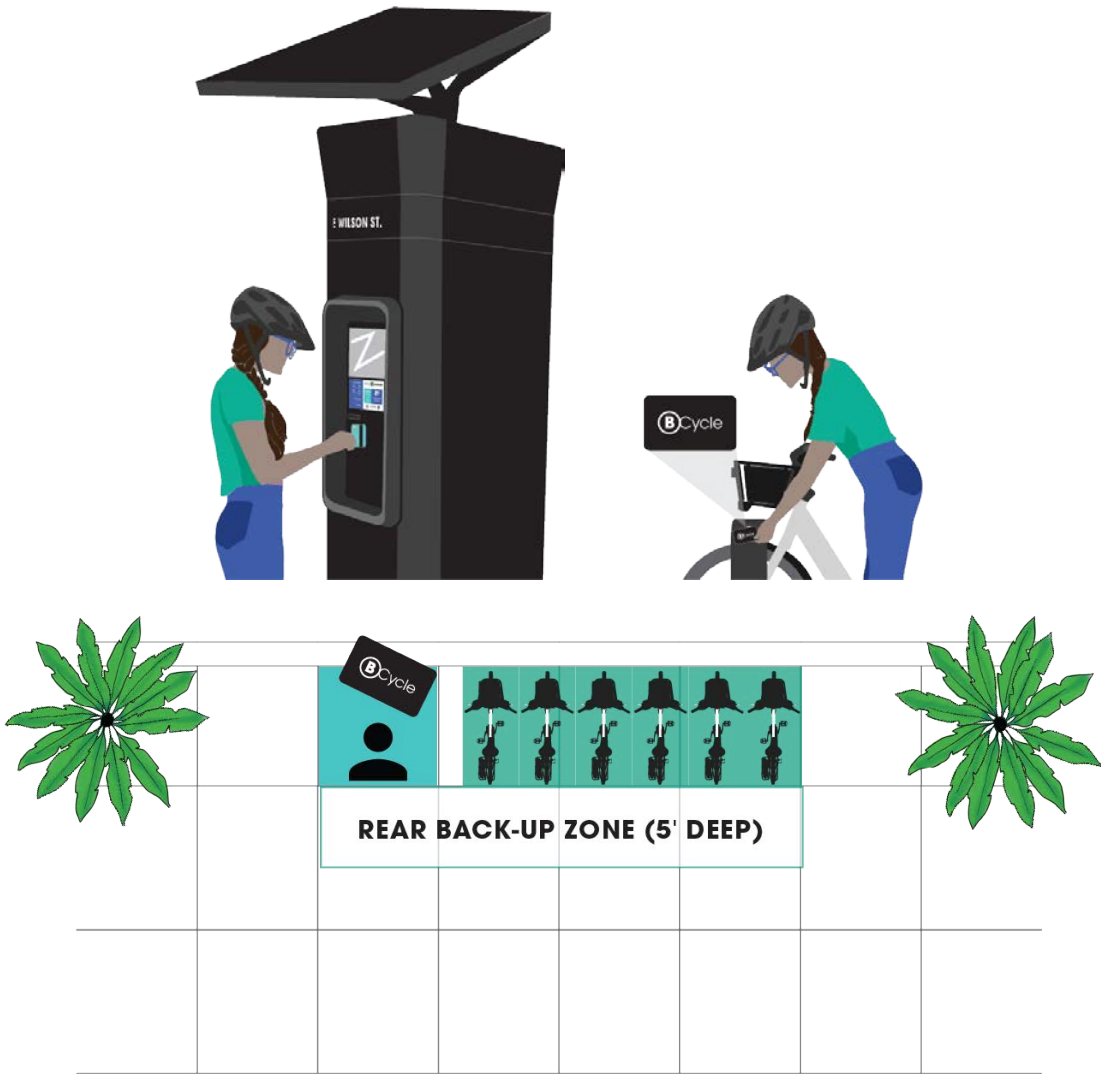
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STATION DEPTH:

The depth of the dock with a bike is 6'
5 foot minimum needed behind the bike for the rear back up zone



LARGER 3.0 STATIONS COULD SERVE AS GREAT LOCATIONS FOR THE ENROLLMENT KIOSKS



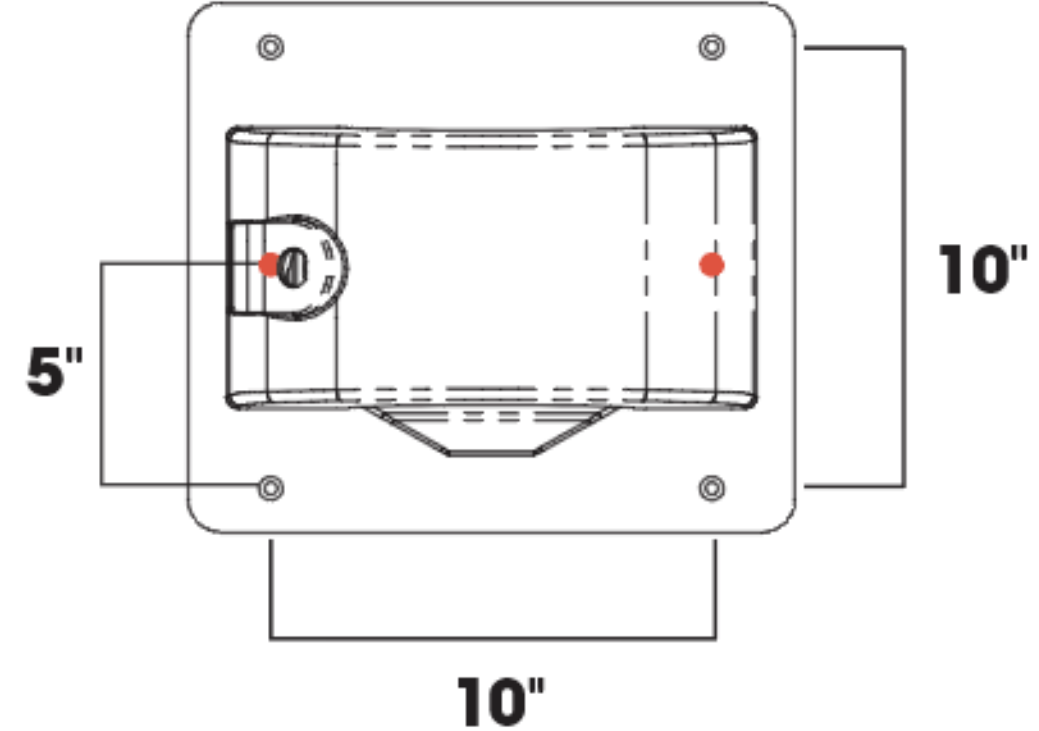
3.0 STATION – INSTALL BASICS



TOOLS:

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- 3/16" x 10" SDS+ masonry bit
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- M18 Fuel 2spd impact driver

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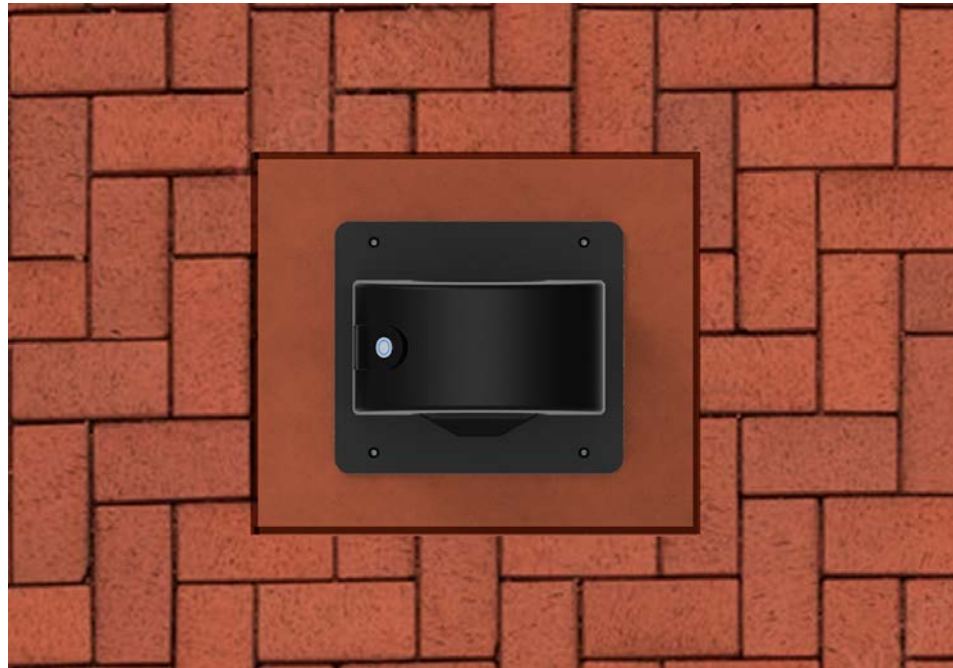


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3.0 STATION – INSTALL BASICS



INSTALLING INTO PAVERS/ASPHALT:

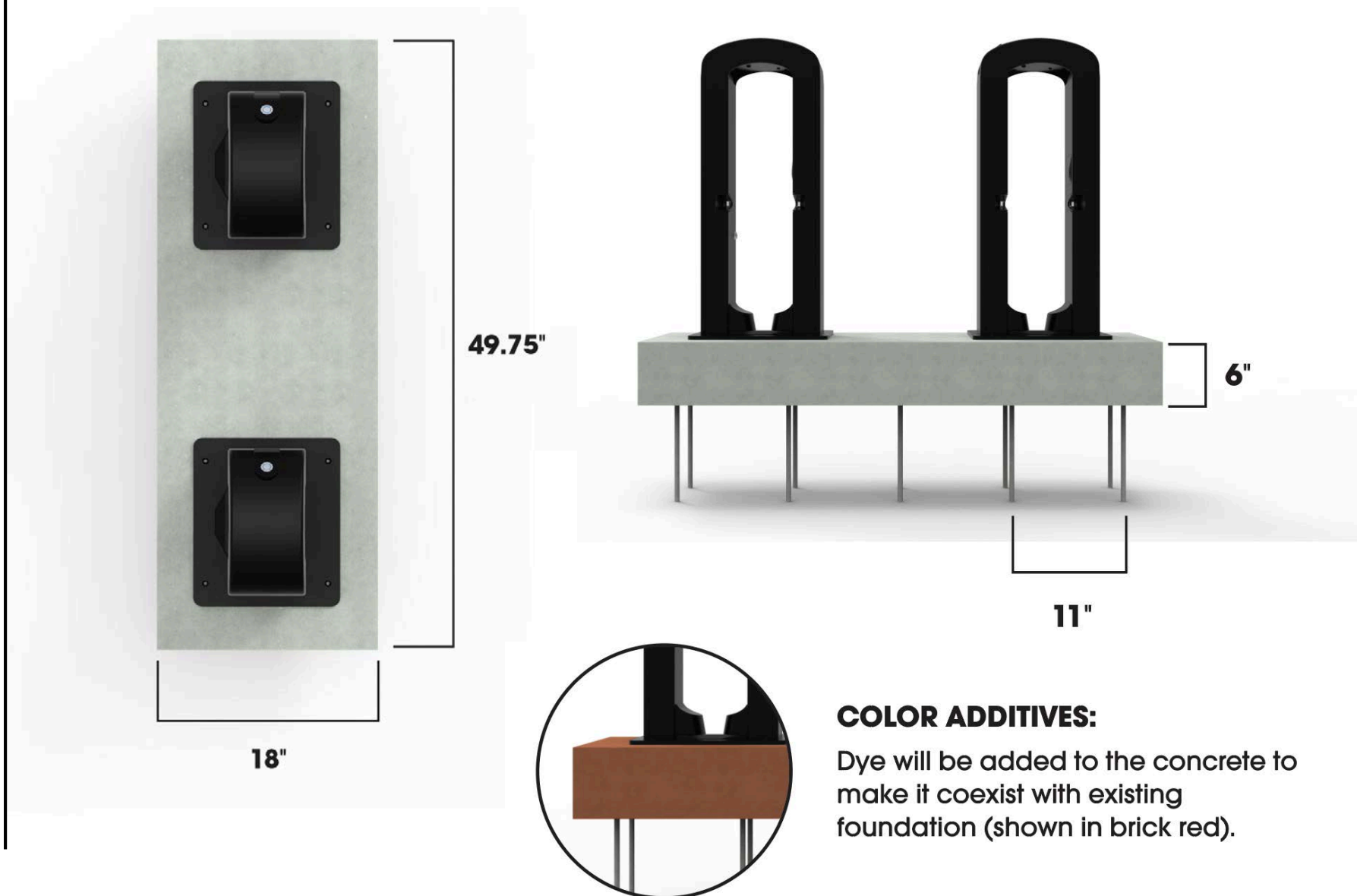
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SUGGESTED CONCRETE PAD SPEC'S:

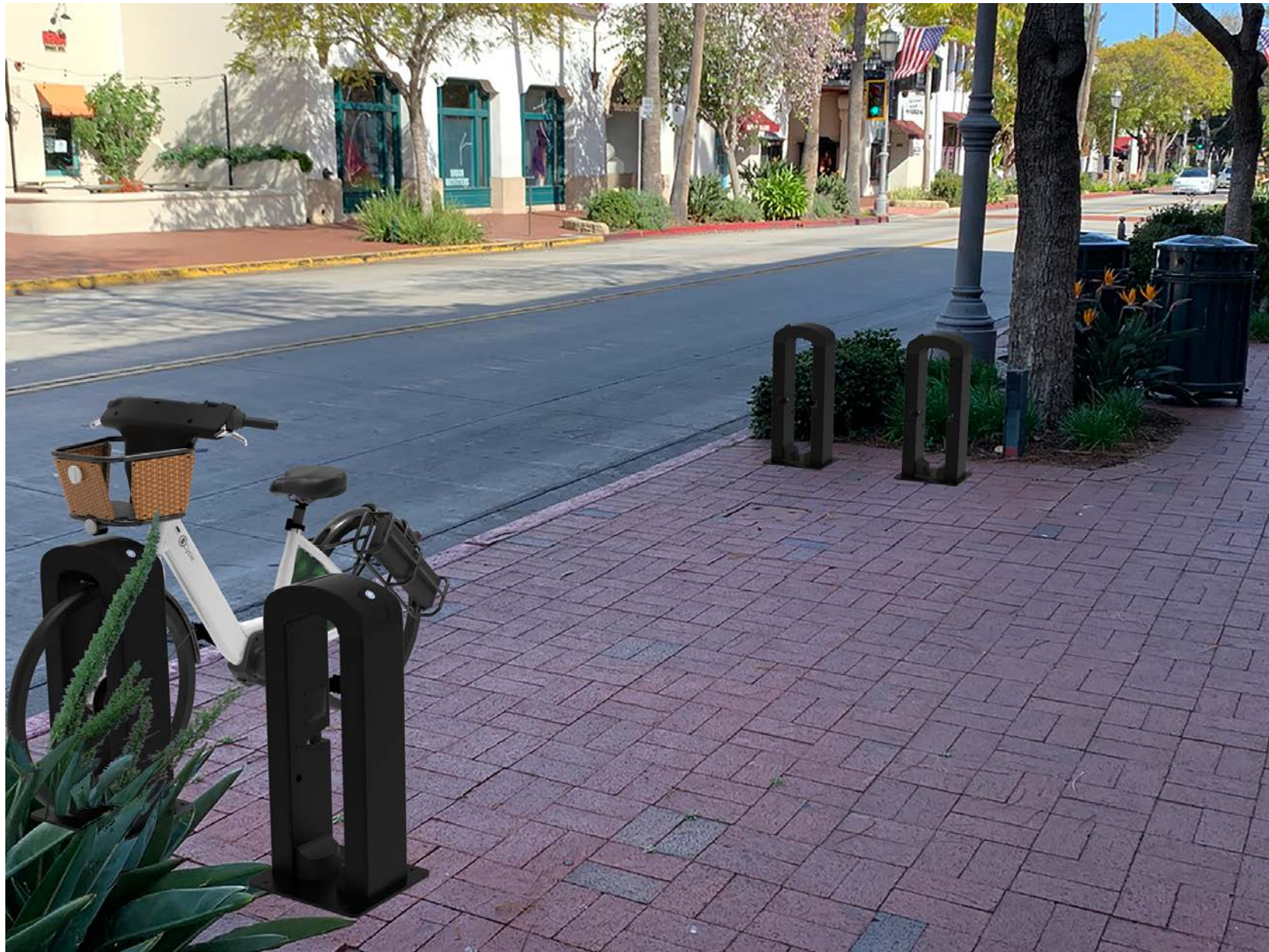
Below are the suggested dimensions for a concrete pad to withhold maximum force on dock. For maximum effectiveness with pavers, we suggest using rebar spikes.



COLOR ADDITIVES:

Dye will be added to the concrete to make it coexist with existing foundation (shown in brick red).

STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



STATE STREET: EXAMPLE STATIONS



VINYL WRAPPED 1.0 STATION



VINYL WRAPPED 1.0 STATION

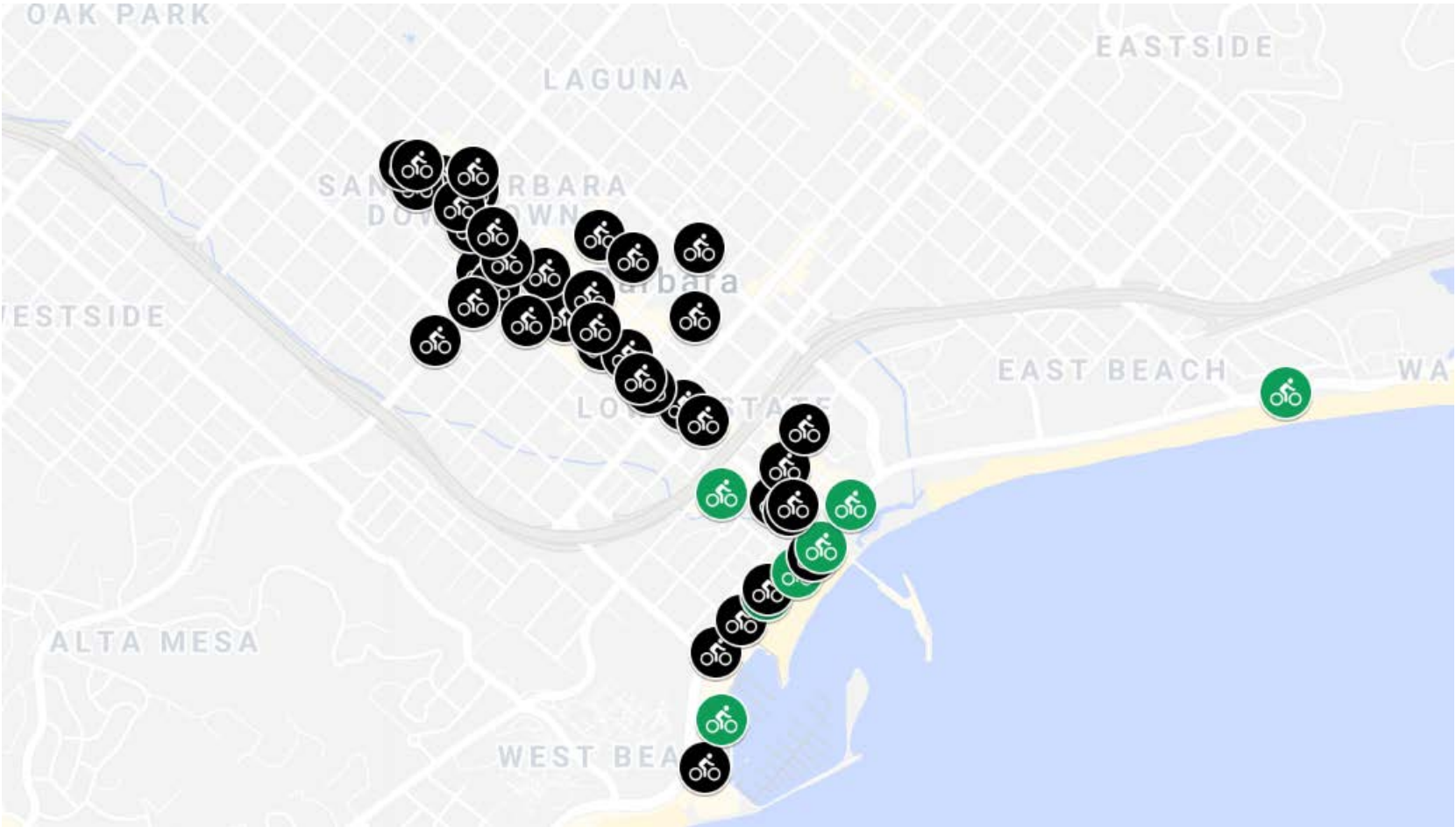


WATERFRONT: EXAMPLE 1.0 STATION



S E R V I C E A R E A P L A N

DRAFT SERVICE MAP



- 3.0 docks (2 to 4 docks)
- 4.0 or 5.0 stations (Up to 8 docks)
(Depending on dock count, site space, equipment availability, need for kiosk)

Downtown

- Paseo Nuevo
- Marshalls
- SB Public Library
- State & E Haley
- State & Cota
- Granada Theater
- Metro Transit
- Hotel Indigo
- Handlebar Coffee Roasters
- City of Santa Barbara Public ..
- City Hall
- Kimpton
- CVS
- Ralph's
- CVS
- Paseo Nuevo 2
- Starbucks on Victoria
- Arlington Theatre
- Chase Bank
- SB Museum of Art
- State @ Carrillo
- State @ Figueroa



- State @ Ortega
- Metro 4 Theatre
- State @ De La Guerra Plaza
- Starbucks on State
- State @ E Gutierrez
- SB Wine Collective
- Gray @ Yanonali
- SB Farmer's Market
- SB Historical Museum
- Bike Center
- Finney's
- Goat Tree
- Amtrak station

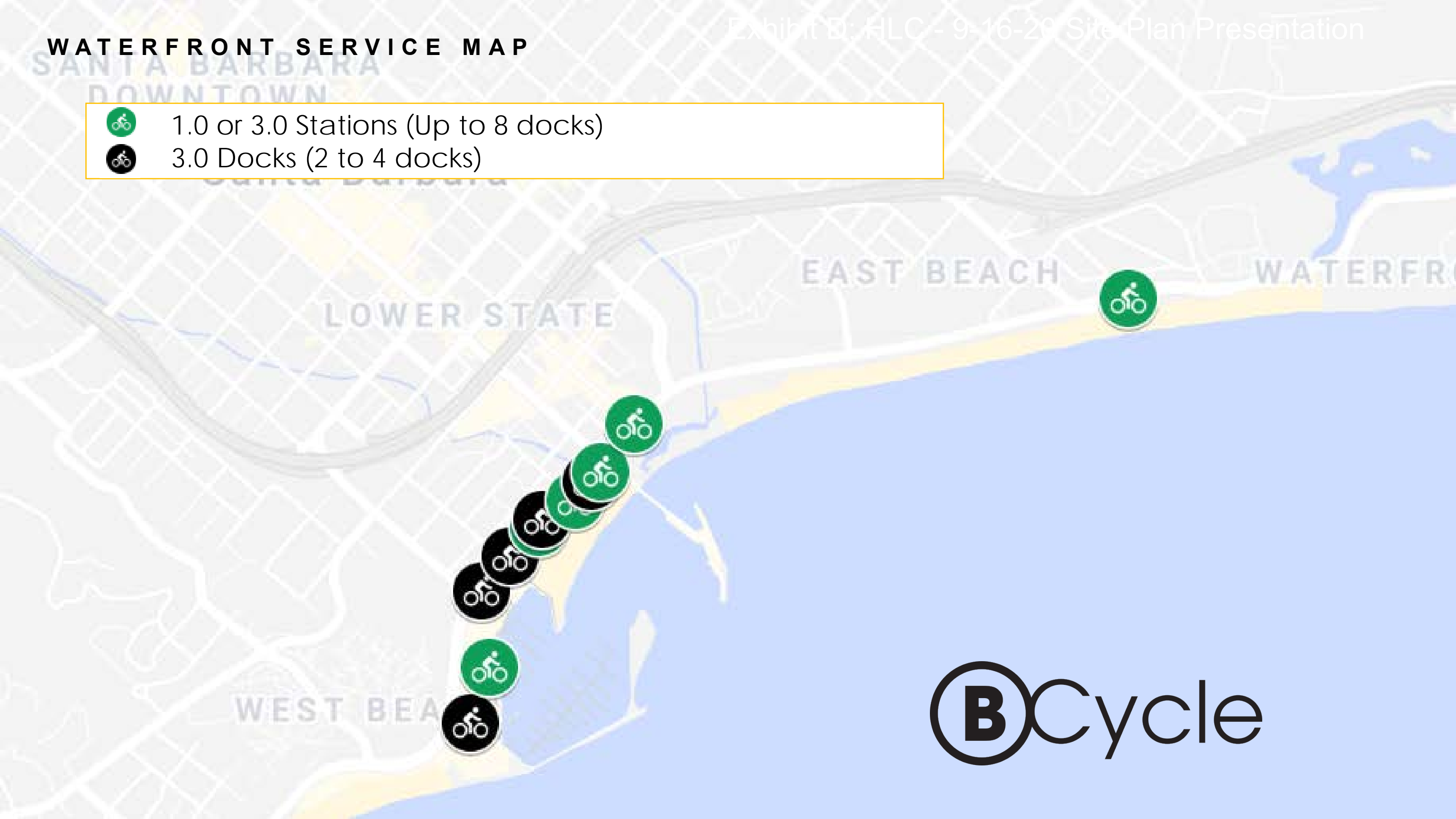
Waterfront

- Santa Barbara Harbor (Break.
- Santa Barbara Harbor
- Cabrillo & Castillo
- Cabrillo & Bath
- Chad's Restaurant
- Ambassador Park
- Cabrillo & Chapala
- West Beach
- Cabrillo & State
- Cabrillo & Anacapa
- East Beach West Lot

**WATERFRONT
LOCATIONS**

WATERFRONT SERVICE MAP

-  1.0 or 3.0 Stations (Up to 8 docks)
-  3.0 Docks (2 to 4 docks)



WATERFRONT PROPOSED SITES

1. Santa Barbara Harbor
(Breakwater Restaurant)
2. Santa Barbara Harbor*
3. Cabrillo & Castillo
4. Cabrillo & Bath
5. Chad's Restaurant*
6. Ambassador Park
7. Cabrillo & Chapala*
8. West Beach
9. Cabrillo & State*
10. Cabrillo & Anacapa*
11. East Beach West Lot*

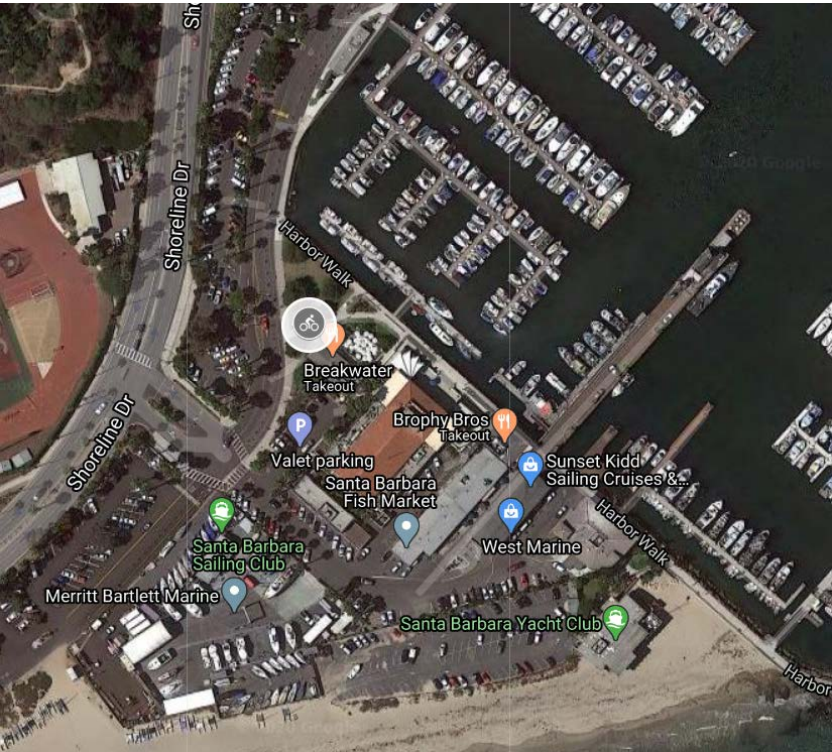
* Kiosk proposed

**1. Santa Barbara Harbor
(Breakwater Restaurant)**

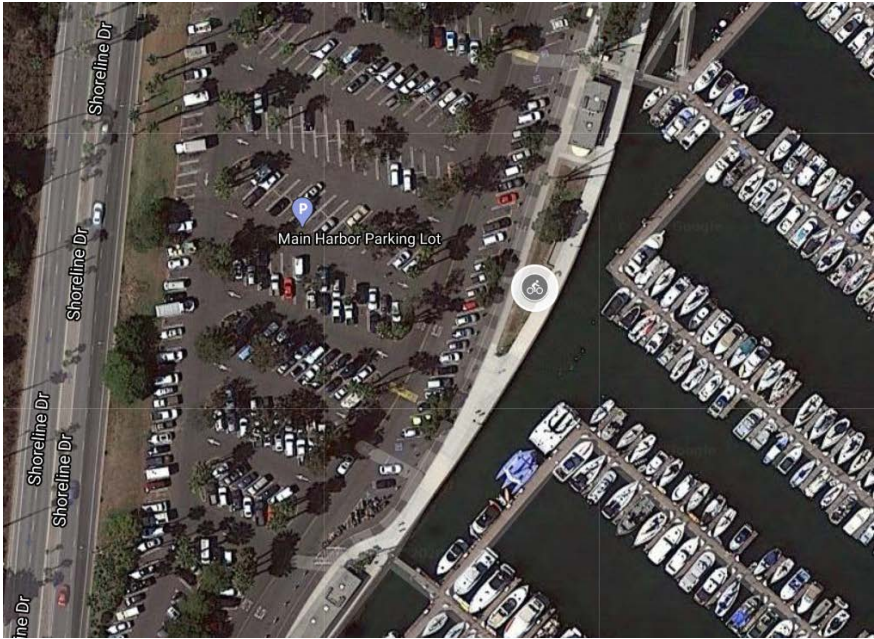
Station size: 20' x 8'8"

Station type: 3.0, 8 docks

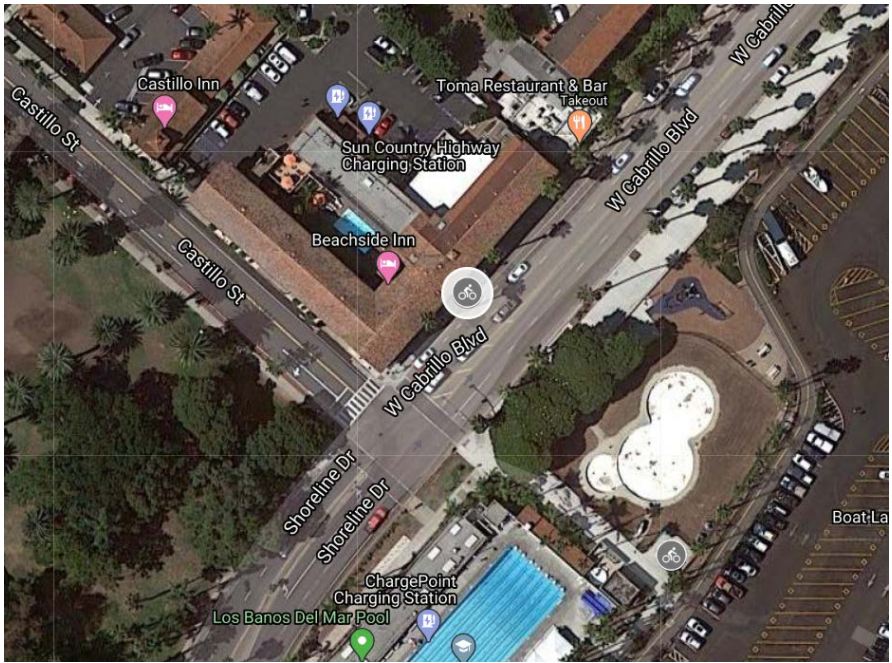
Remove concrete surrounding tree and insert (qty 3) 3.0 docks



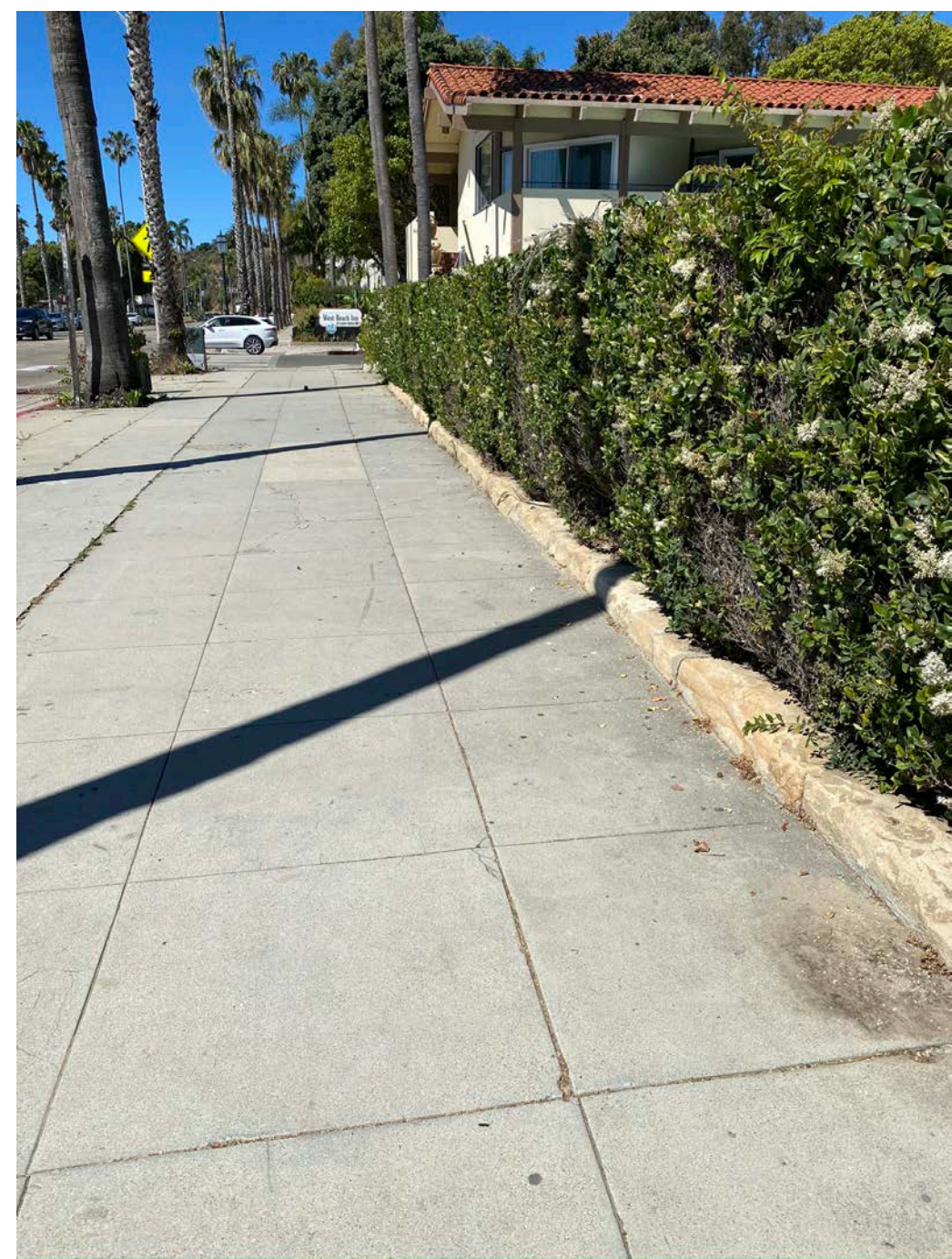
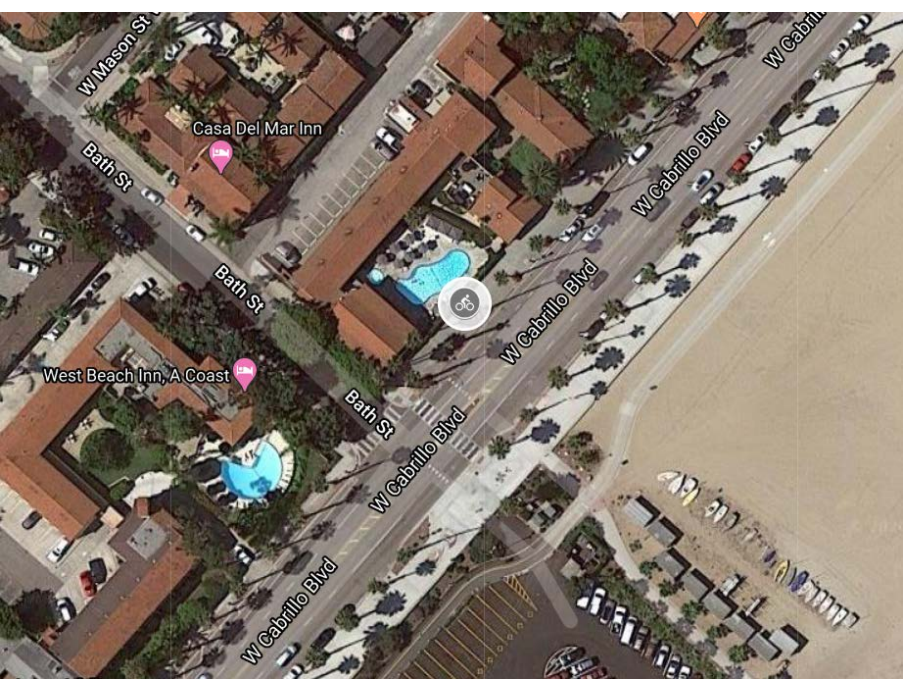
2. Santa Barbara Harbor
Station size: Up to 60'
Station type: 1.0 or 3.0 single-sided
with kiosk, 7 docks



3. Cabrillo & Castillo
Station size: 23' x 5'8"
Station type: 3.0, 8 docks



4. Cabrillo & Bath
Station size: 23' x 5'8" (9' Backup)
Station type: 3.0, 8 docks

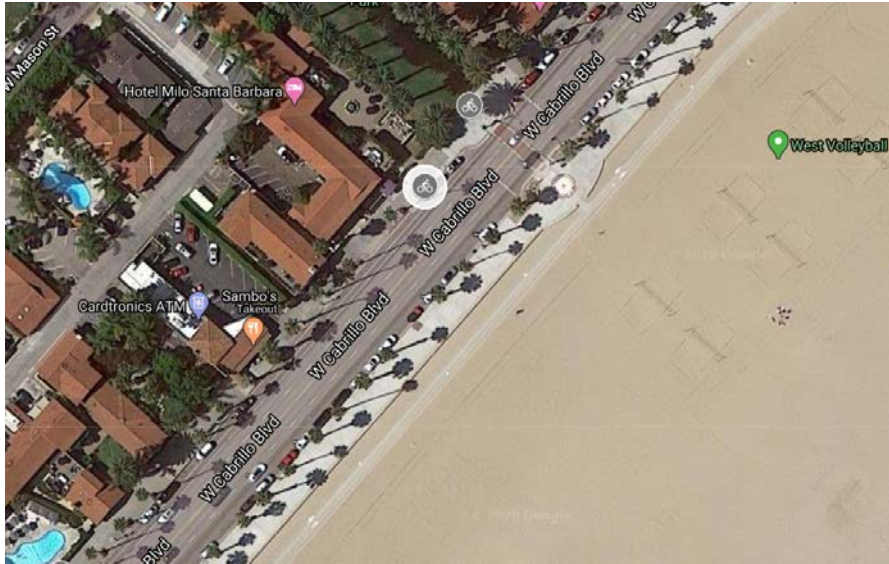


5. Chad's Restaurant

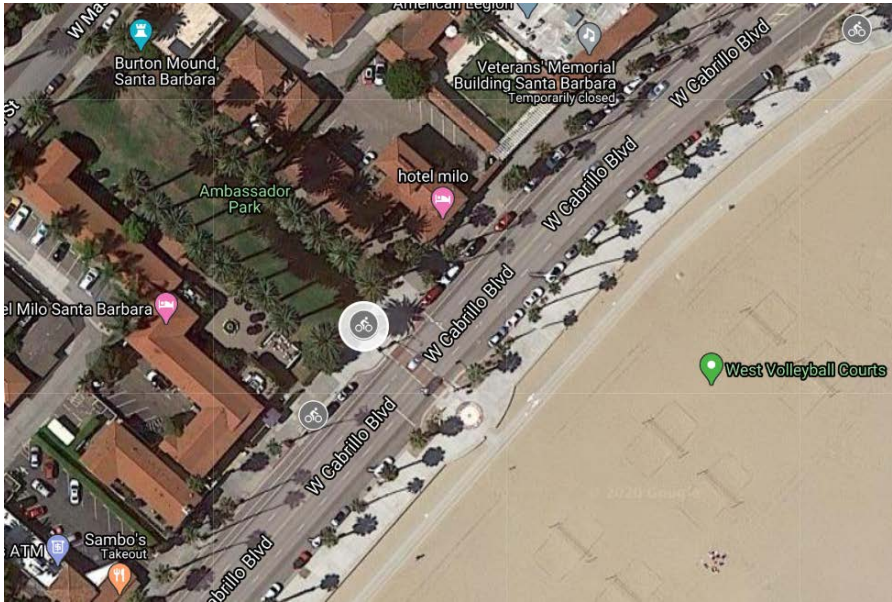
Station size: 47' x 5'8" (12'6" backup)

Station type: 1.0 or 3.0 single-sided
with kiosk, 7 docks

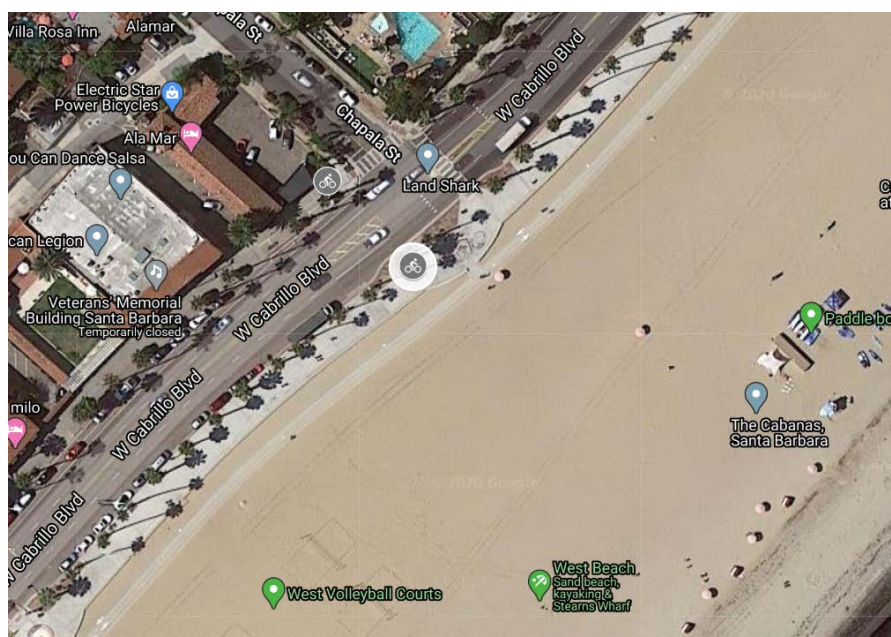
Notes: Sign may require relocation



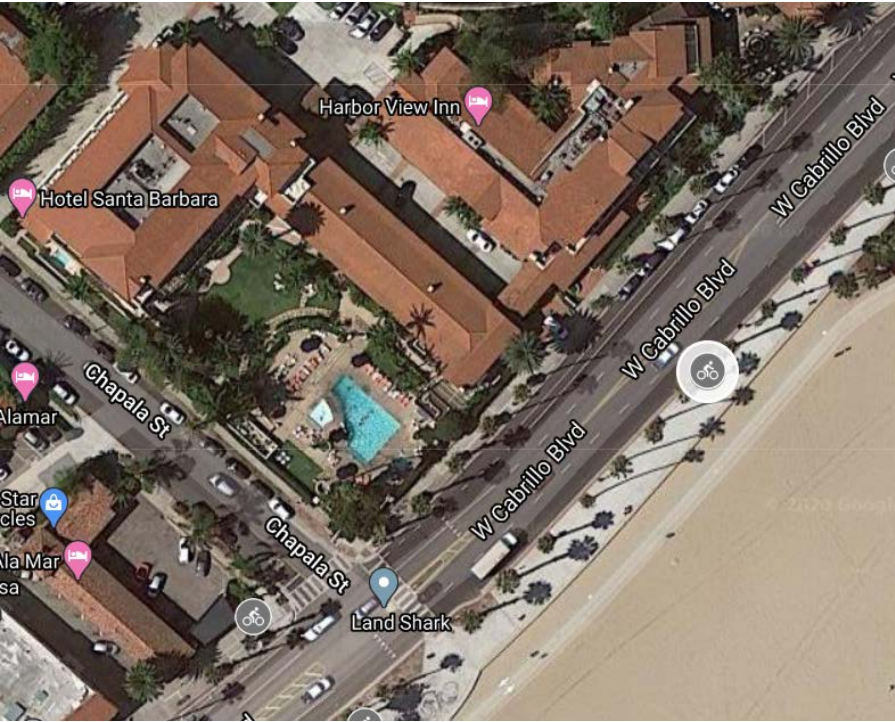
6. Ambassador Park
Station size: 28' x 5'8" (10' Backup)
Station type: 3.0, 7 docks



7. Cabrillo & Chapala
Station size: 28' x 5'8" (10' backup)
Station type: 1.0 or 3.0 single-sided
with kiosk, 5-7 docks



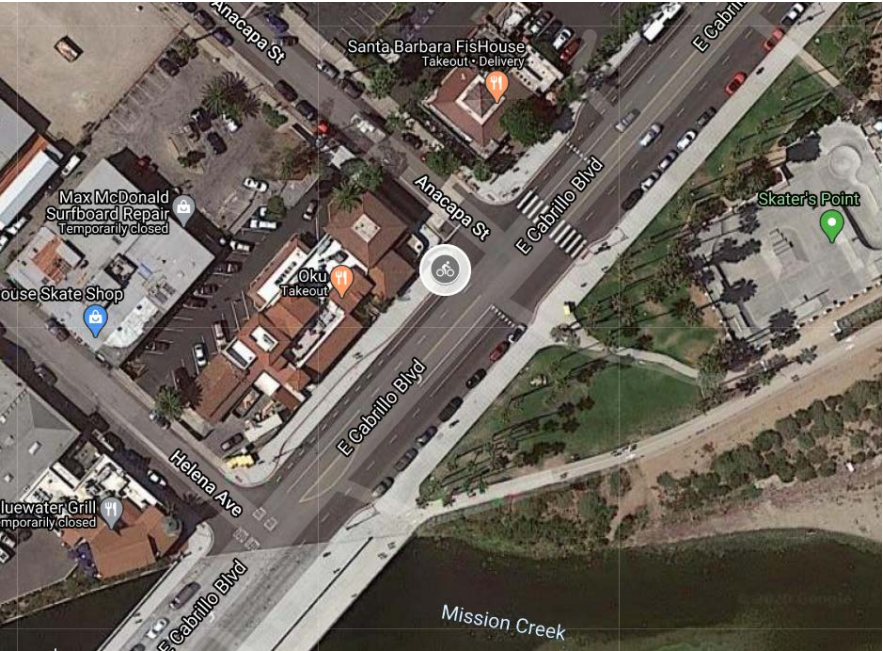
8. West Beach
Station size: 27'5" x 5'8" (10' Backup)
Station type: 3.0, 8 docks



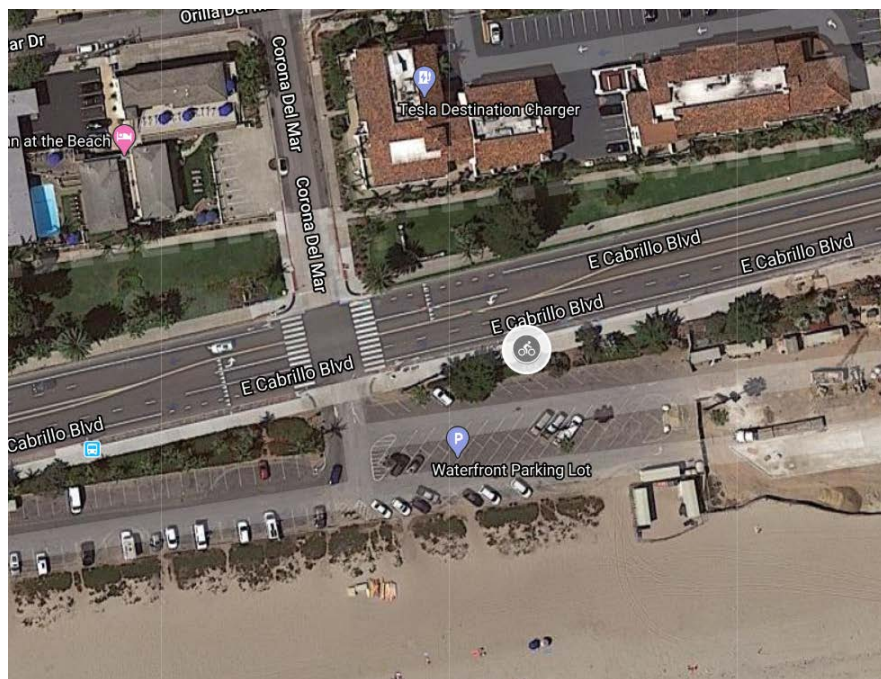
9. Cabrillo & State
Station size: 29' x 5'8" (10' Backup)
Station type: 1.0 single-sided with
kiosk, 7 docks



10. Cabrillo & Anacapa
Station size: 59' x 5'8" (10' Backup)
Station type: 1.0 single-sided with
kiosk, 7 docks



11. East Beach West Lot
Station size: 50' x 5'8" (7' Backup)
Station type: 1.0 single-sided with
kiosk, 7 docks



**ADDITIONAL PROPOSED SITES WITH MORE
THAN SIX DOCKS**

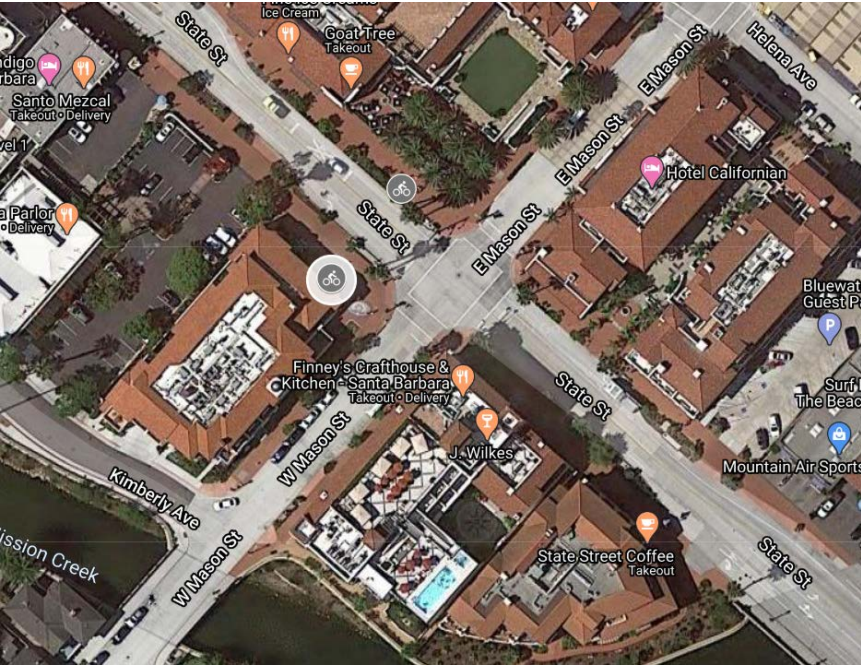
Exhibit D: HLC - 9-16-20 Site Plan Presentation

1. Finney's
2. Goat Tree
3. Amtrak Station
4. MTD Transit Center

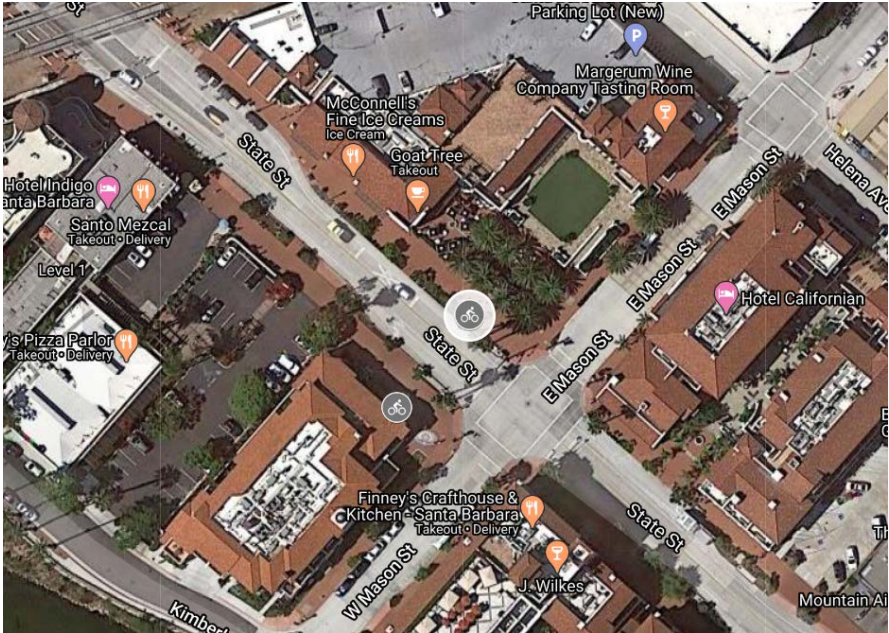
12. Finney's

Station size: 24' x 5'8" (13'6 backup)

Station type: 3.0, 8 docks

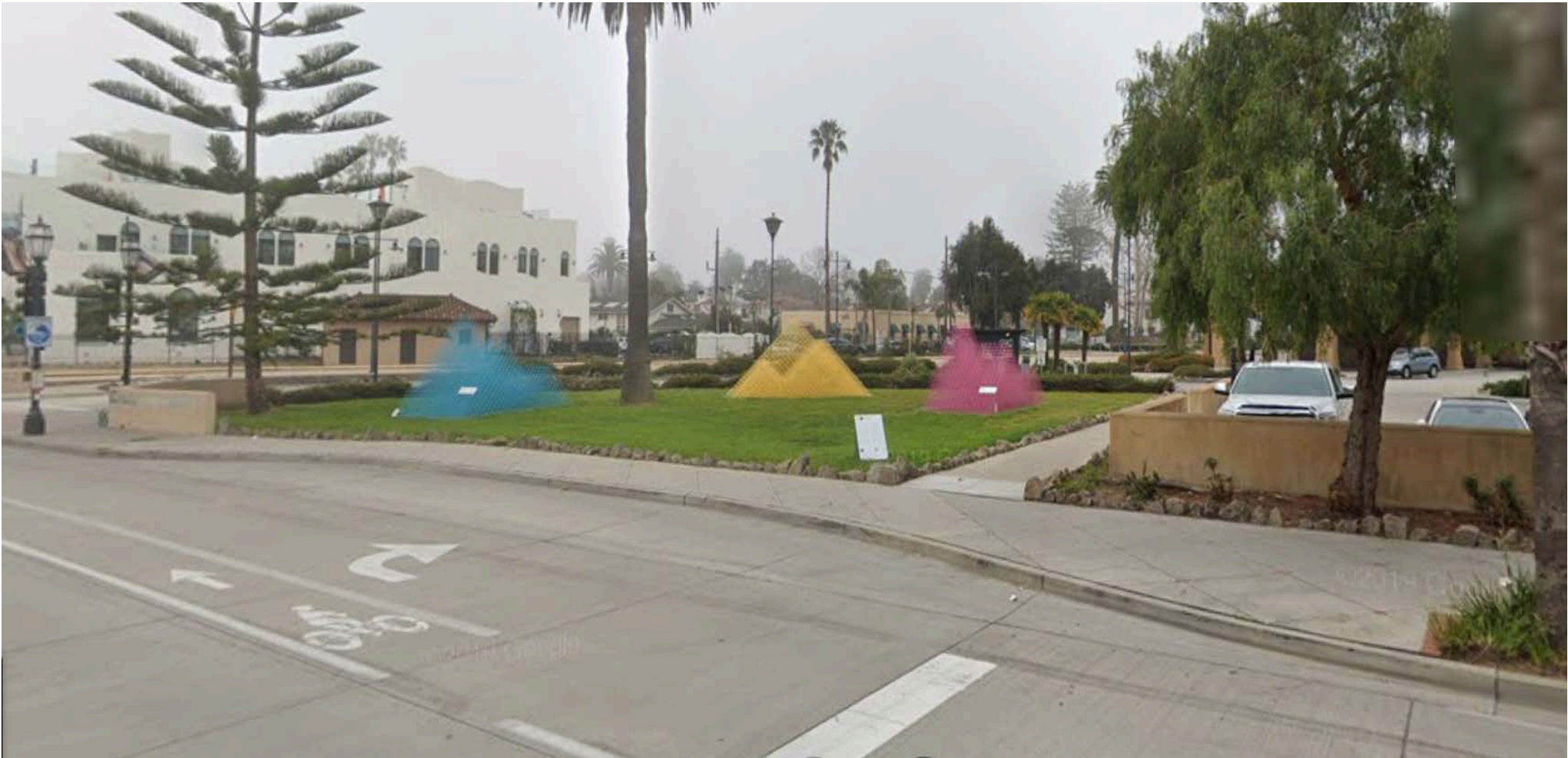


13. Goat Tree
Station size: 37' x 5'8" (10' backup)
Station type: 3.0, 8 docks



14. Amtrak Station

Station type: 3.0, 8 docks



15. MTD Transit Center
Available station size: 14'x8'
Station type: 3.0, 6 docks
Notes: utility access boxes in area

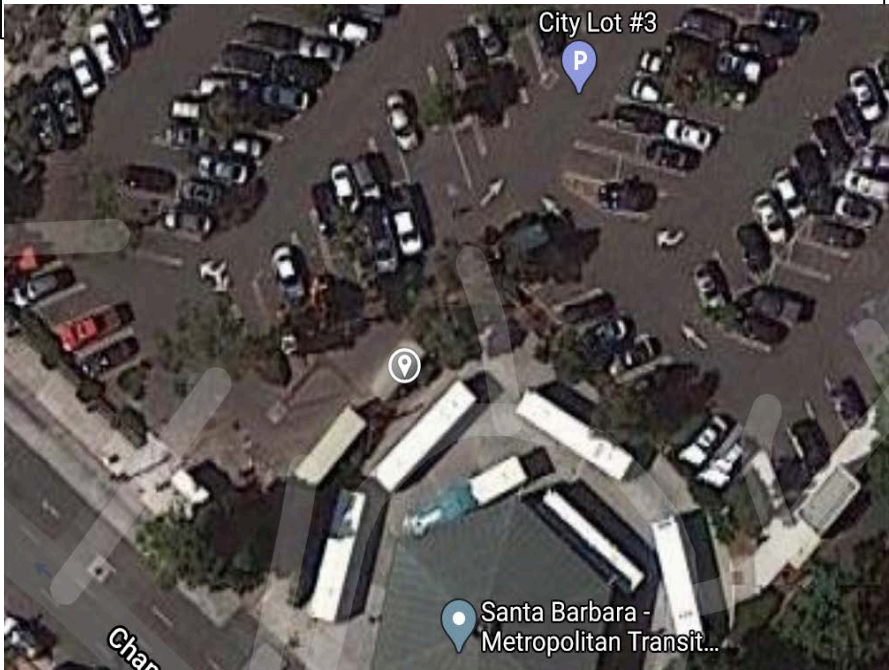


Exhibit D: HLC - 9-16-



Exhibit E: MTD Bus Turnout

Thanks!

Rob Dayton

Transportation Planning & Parking Manager
CITY OF SANTA BARBARA, Public Works
(805) 564-5390 | RDayton@SantaBarbaraCA.gov

From: Hillary Blackerby <HBlackerby@sbmtd.gov>
Sent: Wednesday, December 16, 2020 1:54 PM
To: Samuel Furtner <sfurtner@SantaBarbaraCA.gov>
Cc: Rob Dayton <RDayton@SantaBarbaraCA.gov>
Subject: FW: Bus Turnouts

EXTERNAL

Hi Sam and Rob,

Hope you are well. I got the email below (and a voicemail) from Ms. Gott today. I have not responded yet because I wanted to give you the chance to get me a little more information before I reply.

At this moment, my answer to her question is while we don't control the right of way, no, **we weren't consulted on the installation of bike docks in bus pockets** and we don't know how temporary or permanent they are.

While I realize the Downtown Shuttle is on hold for the foreseeable future, we will need to use that Yanonali turnout for our Line 90 (Amtrak shuttle) when it comes back into service.

Let me know, I'd like to get back to her today or early tomorrow.

Sincerely,

Hillary Blackerby

Planning and Marketing Manager
Santa Barbara Metropolitan Transit District

805.963.3364 x218
550 Olive Street
Santa Barbara CA 93101
hblackerby@sbmtd.gov

sbmtd.gov



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2021

TO: Mayor and Councilmembers

FROM: City Clerk's Office, City Administrator's Office

SUBJECT: Community Formation Commission Applicant Interviews

RECOMMENDATION:

That Council interview applicants to the City Community Formation Commission.

DISCUSSION:

The Santa Barbara City Council is establishing a Community Formation Commission (CFC) to guide the creation of a civilian police review system.

The CFC will explore different civilian police review systems, existing and new police accountability systems, and the specific needs of Santa Barbara's many communities. The CFC will also review the Santa Barbara Police Department's existing standards and protocols.

Following its examination of these issues within the context of Santa Barbara's specific needs and systems, the CFC will make recommendations to the City Council for creation of a civilian oversight system in Santa Barbara.

There is no residency requirement to be appointed to the CFC, but the Council can give additional weight to applications from persons who are supported or nominated by a community or neighborhood organization, foundation, or other interest group (though such nominations do not guarantee appointment to CFC).

The Guidelines for the City of Santa Barbara Advisory Groups, Resolution No. 13-006, states that applicants are required to appear for an interview before the City Council. The names of applicants failing to appear for an interview are removed from the list of persons eligible for appointment. Attachment 1 is a list of applicants eligible for appointment.

Currently, there are 13 positions available for appointment to the Community Formation Commission. Applicants will have an opportunity to interview for appointment on January 12th and January 26th.

ATTACHMENTS: List of Eligible Applicants

PREPARED BY: Sam Ramirez, Administrative Analyst III

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office

FIRST NAME	LAST NAME
DEMO	ADAMOLEKUN
CHRISTIAN	ALONSO
WARNER	ANDERSON
BRIAN	BARNWELL
TREVA	BOWMAN
JAYNE	BRECHWALD
SISTER MARGARET	BROWN
ROXANE	BRYNE
SERAFINA	CHAVEZ
KENNETH	CHISM
FORREST	COOK
GABRIEL	ESCOBEDO
LUIS	ESPARZA
KENNETH	FERRELL
JENNIFER	FRANGOS
HENRY	FREUND
JOSEPH	GARRED
MASSIMO	GENOVESE
DANNY	GREEN
DYLAN	GRIFFITH
MIKE	HACKETT
CHARLES BULLWINKLE	HAMILTON
WALTER	HAMILTON
OLIVER	HAMILTON
LEANDRA	HARRIS
KEVIN	HEFFERNAN
LEE	HELLER
JUAN PABLO	HERREDA
CECILY	HINTZEN
GRANT	HOUSE
JACQUELINE	INDA
ADAM	JAHNKE
RACHEL	JOHNSON
KIM	JOHNSON
ALLAN	KAPLAN
DEBORAH	KAROFF
DANIEL	KEARNEY

JORDAN	KILLIBREW
GABRIELA	LABRANA
ROBERT	LANDHEER
JACOB	LESNER-BUXTON
MATTHEW	LOWE
THELMA	MAITLAND
WILLIAM	MAKLER
NADINE	MANNING
TERRANCE	MCGOWAN
DARRELL	MCNEIL
REGINA	MEDINA
MICHELLE	MEYERING
EUGENE	MOGGIA
STEVEN	NIPPER
MARY	O'GORMAN
FRANCES (TINA)	PANTELEAKOS, PHD
BRENDA	POWELL
LORETTA	REDD
LOUIS	REYNAUD
SHEERIN	ROBERTS
ELIZABETH LIZZIE	RODRIGUEZ
JEANNETTE	SACKETT
RICHARD	SANDER
VERONICA	SANDOVAL
MARK	SCHROEDER
LAURENCE	SEVERANCE
EVAN	SKEI
ELIZABETH CASTANEDA	SORGMAN
SUSAN	SPIELER
GINA	SUNSERI
STEVEN	SYSUM
MARIANNE	TIPTON
JEANNE	UMANA
MOLORA	VADNAIS
LARRY	WILLIAMS
LOUISA	WOOD
MARK	YEE
ANA ALICIA	ZEPEDA